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ABSTRACT

Aspects of the Title I migrant education program were explored at a hearing regarding sections of H.R. 15, a bill to extend several elementary and secondary programs which expire at the end of fiscal year 1978. The panel of nine witnesses testifying included supervisors or directors of migrant education from four states as well as representatives from the National Education Association, the National Child Labor Committee, the Interstate Migrant Education Task Force, the Migrant Branch of the U.S. Office of Education, and the Migrant Student Record Transfer System. While the witnesses applauded Congressional efforts on behalf of migrant education and described the successful aspects of certain programs, they made numerous recommendations to improve the Title I program. Their recommendations include (1) coordination and cooperation between federal agencies to establish a uniform definition of "migrant", to set consistent eligibility requirements, and to assure a more uniform delivery of services; (2) coordination and cooperation between state educational programs to provide curriculum consistency as the children move from state to state; (3) expansion of funding beyond the 5 to 17 year age level to include day care and nursery school facilities for children from 0 to 5 years of age, and to create educational opportunities for the 18 to 21 age group. Testimony, prepared statements and supporting materials are included in this document. (DS)

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PART 17: TITLE I, STATE MIGRANT PROGRAM

HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 15

TO EXTEND FOR FIVE YEARS CERTAIN ELEMENTARY, SECONDARY, AND OTHER EDUCATION PROGRAMS

HEARING HELD IN WASHINGTON, D.C., ON OCTOBER 12, 1977

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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CONTENTS

Page
Hearing held in Washington, D.C., on October 12, 1977 ... 1
Statement of—
  Conyers, C. L., supervisor, Title I and Migrant Education, Virginia Department of Education ... 35
  de la Rosa, Raul, supervisor of migrant education, State of Washington ... 17
  Fuentes, Roy, director, Migrant Project, National Education Association ... 124
  Miller, Winford M., director, Migrant Student Record Transfer System ... 53
  Newman, Jeffrey, director, National Child Labor Committee ... 147
  Perry, Hon. John, New York State senator, member, Interstate Migrant Education Task Force, Education Commission of the States ... 75
  Rivera, Vidal, Jr., Migrant Branch Chief, U.S. Office of Education ... 2
  Soriano, Dr. Jesse, supervisor, Migrant Education, Michigan Department of Education ... 25
  Youngblood, Robert, director of migrant education, North Carolina Department of Public Instruction ... 39
Prepared statements, letters, supplemental materials, etc.:
  de la Rosa, Raul, supervisor of migrant education, State of Washington, statement of ... 20
  Fuentes, Roy O., director, Migrant Project, National Education Association, statement of ... 127
  Miller, Winford M., Migrant Student Record Transfer System, testimony of ... 58
  Perry, Hon. John, State Senator from New York, on behalf of the Education Commission of the States, Interstate Migrant Education Task Force ... 81
    Castro, Hon. Raul H., statement of ... 102
    Interim Report No. 1 ... 105
    Resolution adopted June 14–17, 1977 ... 123
    Rivera, Vidal A., Jr., chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, statement by ... 7
    Soriano, Jesse M., supervisor, Michigan Migrant Education Program, Michigan Department of Education, testimony submitted by ... 28
    Testimony on ... 84
    Testimony presented, July 13, 1977 ... 95
    Youngblood, Robert E., director of migrant education, North Carolina Department of Public Instruction, Raleigh, N.C., summary of testimony ... 45

APPENDIXES

Appendix 1:
  Title I of the Elementary and Secondary Education Act of 1965, Programs for Migratory Children, as amended ... 173
Appendix 2:
  Interim final regulations, Title I State Migrant Program, from Federal Register, July 13, 1977 ... 175
Appendix 3:
  "Migrant Education Program under Title I ESEA," by K. Forbis Jordan, Congressional Research Service, Library of Congress ... 186
Appendix 4:
  "Promises to Keep: The Continuing Crisis in the Education of Migrant Children," by the National Child Labor Committee ... 260
  Miller, Mr. Winford, reply to "Promises to Keep" ... 316
Appendix 5:
  Miscellaneous letters and statements:
    Quie, Congressman Albert, letter to Dr. Vidal Rivera, U.S. Office of Education, requesting additional information for hearing record ... 323
    Stockburger, Cassandra, executive director, National Organization for Migrant Children, Inc., written statement by ... 325
    Walter, Dr. Franklin B., superintendent of public instruction, Ohio State Department of Education, letter to Congressman Perkins ... 331

PART 17: TITLE I, STATE MIGRANT PROGRAM

WEDNESDAY, OCTOBER 12, 1977

House of Representatives,
Subcommittee on Elementary, Secondary
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2257, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Members present: Representatives Perkins, Ford, Motti, Le Fante, Kildee, and Murphy.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; Nancy L. Kober, majority staff assistant; and Meredith Larsen, minority staff assistant.

Chairman **Perkins**. The committee will come to order.

The Subcommittee on Elementary, Secondary and Vocational Education is continuing hearings today on H.R. 15, a bill to extend several elementary and secondary programs which expire at the end of fiscal year 1978.

The focus of today's hearings will be on the third and last of the so-called state agency programs, the migrant program under Title I.

At this time Title I provides funds off the top of the appropriation to meet the special educational requirements of migratory students.

In fiscal year 1977, 2800 local education agencies in 46 States utilized Title I migrant funds for a total of $130,909,000, and 482,055 children were served.

Today we have a distinguished panel of witnesses. I hope you will be able to elaborate as to what further amendments are necessary to improve the programs when we mark up reauthorizing legislation.

Let me say to you gentlemen, Congressman Bill Ford has taken a special interest in this legislation.

Congressman Ford has been delayed for a few minutes; he will be here. But I want you to know he is on the job all the time on behalf of the migrants of this country.

We will call as witnesses this morning the following panel: Vidal Rivera, Jr., Migrant Branch Chief, U.S. Office of Education; Senator John Perry, New York State Senate, Member, Interstate Migrant Education Task Force, Education Commission of the States; Raul de la Rosa, Supervisor of Migrant Education, State of Washington; Dr. Jesse Soriano, Supervisor, Migrant Education, Michigan Department of Education; C. L. Conyers, Supervisor, Title I and Migrant Education, Virginia Department of Education; Robert Youngblood, Director of Migrant Education, North Carolina Department of Public Instruction; Winford M. Miller, Director, Migrant Student Record Transfer System; Roy Fuentes, Director, Migrant Project, National Education Association; and Jeffrey Newman, Director, National Child Labor Committee.

Senator Perry is not present yet.

We will hear from Dr. Rivera.

May I say, all statements will be inserted in the record. You may proceed as you wish.

STATEMENTS OF DR. VIDAL RIVERA, JR., MIGRANT BRANCH CHIEF, U.S. OFFICE OF EDUCATION; SENATOR JOHN PERRY, NEW YORK STATE SENATE, MEMBER, INTERSTATE MIGRANT EDUCATION TASK FORCE, EDUCATION COMMISSION OF THE STATES; RAUL de la ROSA, SUPERVISOR OF MIGRANT EDUCATION, STATE OF WASHINGTON; DR. JESSE SORIANO, SUPERVISOR, MIGRANT EDUCATION, MICHIGAN DEPARTMENT OF EDUCATION; C. L. CONYERS, SUPERVISOR, TITLE I AND MIGRANT EDUCATION, VIRGINIA DEPARTMENT OF EDUCATION; ROBERT YOUNGBLOOD, DIRECTOR OF MIGRANT EDUCATION, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION; WINFORD M. MILLER, DIRECTOR, MIGRANT STUDENT RECORD TRANSFER SYSTEM; ROY FUENTES, DIRECTOR, MIGRANT PROJECT, NATIONAL EDUCATION ASSOCIATION; AND JEFFREY NEWMAN, DIRECTOR, NATIONAL CHILD LABOR COMMITTEE.

STATEMENT OF DR. VIDAL RIVERA, JR., MIGRANT BRANCH CHIEF, U.S. OFFICE OF EDUCATION

Dr. RIVERA. I will briefly summarize the content of my statement. I am accompanied today by Dr. Richard Fairley, Director of the Division of Education for the Disadvantaged and, also, Dr. John Rodriguez, Associate Commissioner for Compensatory Educational Programs, U.S. Office of Education, H.E.W.

I appear before you today to provide an overview of the Title I, ESEA, program for migratory children of migratory agricultural workers and migratory fishermen.

Title I of P.L. 89-10, the Elementary and Secondary Education Act (ESEA) of 1965, authorized a national program of Federal education support for disadvantaged children. In November of 1966, Title I, ESEA, was amended by P.L. 89-750 to incorporate special provisions for migratory children of migratory agricultural workers. Subsequent amendments to the statute provided for such program components as the eligibility of the five-year settled-out migrant, the use of carryover funds, the dissemination of information, preschool education, the use of statistics from the Migrant Student Record Transfer System (MSRTS) for funding purposes, the eligibility of migratory children of migratory fishermen, and the funding for formerly migratory children.

In discussions associated with the preparation of the Education Amendments of 1974 (P.L. 93-380), Congress emphasized "that local educational agencies should give priority attention in operating Title I programs to the basic cognitive skills in reading and mathematics and to related support activities to eliminate physical, emotional, or social problems that impede the ability to acquire such skills." Both Senate and House discussions recognized, however, that such an assertion was not intended to preempt the prerogativees of local authorities to give priority to other areas (e.g. teacher training), if such emphasis were required to better meet the needs of disadvantaged children.

The formula for computing the maximum grants States will receive is based on the full-time equivalency of school-aged (5-17 years old) migrant children residing in the State. Unfortunately, Mr. Chairman, the true number of migrant children is not known.

Chairman PERKINS. I notice this program has grown from $78 million in '74 to $145 million in 78 and most of this increase is due to counting so-called five-year migrants, the settled migrants. Those children increased 129 percent from 1976 to 1978.

In other words, the program grew from 45,477 children in '76 to 104,024 in '78.

Could you give us any idea of how much of a further increase there will be in the number of five-year migrant children within the next few years, say within the next two or three years. We certainly want to take care of these children, and I am making this observation because of the need for a greater appropriation for Title I funds. I think it behooves us all to work in that direction, and let the people know that we must take care of both the migrant children and the other disadvantaged children. After we take off the top for the State agency programs we are getting down to about 83 or 84 percent left for the other disadvantaged students. It is for this reason we all need to combine and make a greater pitch for a greater appropriation for Title I.

Could you give us an idea as to what the increase should be within the next three years?

Dr. RIVERA. The only estimate I could give you—

Chairman PERKINS. Would it be in the same proportion?

Dr. RIVERA. I believe it is going to increase but not in the same proportion. I know my fellow colleagues here will testify later on this. Because of the increased identification and recruitment that the States have implemented, the increase in the numbers of children, as you see now, the five-year provision child, has been because of the funding of the provisions made in 93-380. Prior to that, those children according to the statute could be served but there were no funds provided for them. As you well know, sir, the intent of all that was because once a child ceased to migrate, he would settle in a certain community and it did not necessarily mean the services should not continue for him.

In as educated a guess as I can give you, I would say it would increase for the next couple of years because of the identification and recruitment programs. Then there will be a tendency to level off. Whether that will be at the same rate, I can't tell you.

Mr. Miller will be testifying later and he can inform you as to the data the computer system shows.

Chairman **Perkins**. Go right ahead.

Dr. **Rivera**. The figure you stated a little while ago, 482,000 children being served, if I am not mistaken, the figure you were reading on the funding basis, is the full-time equivalent of that child as he resides in a particular state.

The child who lives in Texas for a five-month period of time, then takes off and goes to Illinois and Michigan, at that time that information is placed into the system that he is there in residency, the State of Illinois picks up the remainder of the full-time equivalent on that child.

When you look at one child being served in that program the full-time equivalent of 365 days, which has been determined as residency, may be split up between three or four states. When you look at the funding, 483,000 children are being served. The full-time equivalent funding for last year was on the basis of 296,000 full-time equivalents.

On the basis of continued full funding for the program, there is a division made between the states in terms of the dollars.

The provisions of 93-380 indicated we should use the data from the MSRTS. The initial focus of that system is to accrue health and academic data on the children, no matter where the child goes throughout the United States, to increase his performance in academic skills and also to identify health conditions. That system has been in use since 1975. As a result, we have much more accurate information on children being served. The one flaw in 89-10 and 89-750 was that the parent qualified the child, not the child qualifying himself, it was the mobility of the parent which qualified the child. At the beginning, if you recall, you will see we were making use of data furnished by the Department of Labor. One of the by-products was that at some point in time, we could use that system to give us an accurate look as to how many children were being served in the confines of the legislation.

The program in '67 was authorized for $40 million. However, it was not appropriated, because of the lateness of the moneys, only $9 million. It has grown to the present fiscal '78 amount of $145,759,940.

The migrant program is a State-administered program. One of the interesting aspects of the legislation is that it identifies the State educational agency in a particular State to be the administrating and operating body. The State must then submit an application to the U.S. Office of Education. They specify the areas in which they will work with the child, the types of activities, the appropriate budgets and the expected outcome.

Upon approval of that application by the Office of Education, the grant is made and the state has the option as to where the programs will operate. Most operate through the local educational agency because that agency is in the educational field.

However, the State is not precluded from working with public or private non-profit agencies, colleges or universities in developing some scheme for developing some program if the local education school board doesn't wish to operate a program.

The needs of migrant children are established through parent contact, teacher observations, and data available in the Migrant

Student Record Transfer System. Additional data are assembled through diagnostic testing and teacher evaluations, the results of which are then transmitted to the MSRTS when the migrant child withdraws from the project. Although the migrant program strives to serve those migrant children most in need when program funding is limited, the goal is to serve all migrant children demonstrating need at any level. Therefore, all migrant children may be served, the eligibility factor being the migratory status of the child according to the statute and the regulations.

The challenges that must be faced in meeting the needs of migratory children are many. The mobility of the migrant child and the effects that this mobility has had on the formerly migratory child has severely affected the educational continuity necessary for educational growth. This can be readily seen by the extremely low number of such children completing high school - 1,460 in 1976, and 4,792 in 1977.

The State is designated as the operator. The legislation very specifically says those children will be served. The options were left that if the State chose not to serve the children, to by-pass this segment of our population, they could do so. This has not been the case in point.

States that have these children in their schools for up to six months must plan a program based on late entries and early withdrawals, usually from the first of November through April. Other States primarily receiving states, must plan "summer programs," really a misnomer because they often overlap into the regular school year. These challenges involve the entire spectrum of academic and supportive services.

Adjustments and arrangements must be made to late entry because teacher assignments are made without the knowledge as to whether those children will be back upon the reopening of the school year.

You can't, in a classroom, reserve X amount of space for children to come back at a given time. So, basically, what happens is that when a child returns, he may not be eligible for certain programs which have already been established, such as bilingual education or any other program offered for a child who is in need to receive that service. That service may not be available to that child when he returns. Therefore, provisions must be made, as you can see. The elements which are essential to this program and which bring it together, depend on interstate cooperation and coordination. The specifications were drawn by the State and paid for by a set-aside at the top of every State's allocation to maintain the system. That system is not what we call governed, but the overview of that system is given by a committee of State directors.

The effect must be interstate to be effective. You and all of us sitting at this table know that is not an easy task. That has been one of the large key issues that has kept this program growing and it will continue to grow, not on the basis of children to be served or money to be gathered by the kinds of activities involved.

I have just gotten back from a meeting where the States have been working for 2-1/2 years in developing skills in reading and mathematics so the teacher can determine what skills the child has mastered in the other school. We have seen a national association of migrant directors gather to continue the development of materials and the exchange of information about a child. Just recently in the Office of Education, we have determined through our review panel projects, for instance, the States of Washington and Texas have an exchange program. They got together and said basically, if we know the migrant child situation is one of our biggest problems in the agricultural area; that if that child is going to end up pursuing his secondary education in the State of Texas, then what are we doing teaching against Washington curriculum, when we should be bolstering that curriculum?

That has been identified as a problem.

We have a bilingual program in Illinois which takes a look at the migrant child and its application so that in the time the child is there, a gamut of services could be developed for those children.

I could go on, but these are included in my formal testimony.

I would like to say in closing my brief summary of comments that planning a program for migrant children is a difficult task. I say that because of experience and how our educational system is structured. You open schools on September 6 and close them up on June 7. If you complete that cycle, you go to the next program. What we must do in the migrant program is make adjustments for those who enter late; people who go on through the summer into the early part of the school year. Somehow, out of this kind of movement pattern and the environment in which the migrant lives there is the complete void of any kind of outside influence to that migrant's life, with the exception of an educational system and other agencies that provide some services. This builds continuity so the child doesn't lose anything in moving from place to place.

In conclusion, what this program has done, Mr. Chairman, it has caused the educational community in general to take a long, hard look at our whole educational structure. Whether it is appropriate and whether it is meeting the definite needs of migratory children, be they the children of agricultural workers, construction workers, chicken pluckers, or whatever, are we really meeting the needs of these children as they move from area to area in a nation of strangers.

Vance Packard said 40 million people change permanent addresses annually. What do we do about a program for those children in terms of providing educational continuity?

That concludes my summary, Mr. Chairman.

[The prepared statement of Dr. Rivera follows:]

Statement by
Mr. Vidal A. Rivera, Jr.
Chief, Migrant Branch
Division of Education for the Disadvantaged
Bureau of Elementary and Secondary Education
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
of the
Committee on Education and Labor
U.S. House of Representatives
Wednesday, October 12, 1977
9:30 a.m.

Mr. Rivera is accompanied by:

Dr. John H. Rodriguez, Associate Commissioner for Compensatory Educational Programs, U.S. Office of Education, HEW

Dr. Richard L. Fairley, Director, Division of Education for the Disadvantaged, U.S. Office of Education, HEW

Mr. Chairman and members of the subcommittee:

I appear before you today to provide an overview of the Title I, ESEA, program for migratory children of migratory agricultural workers and migratory fishermen.

Title I of P.L. 89-10, the Elementary and Secondary Education Act (ESEA) of 1965, authorized a national program of Federal education support for disadvantaged children. In November of 1966, Title I, ESEA, was amended by P.L. 89-750 to incorporate special provisions for migratory children of migratory agricultural workers. Subsequent amendments to the statute provided for such program components as the eligibility of the five-year settled-out migrant, the use of carryover funds, the dissemination of information, preschool education, the use of statistics from the Migrant Student Record Transfer System (MSRTS) for funding purposes, the eligibility of migratory children of migratory fishermen, and the funding for formerly migratory children.

Section 103 of P.L. 89-750 authorized "payments to State educational agencies for assistance in educating migratory children of migratory agricultural workers." The new program provided for grants to State educational agencies (SEAs) or combinations of such agencies to establish or improve, either directly or through local educational agencies (LEAs), programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers. P.L. 89-750 also stated that grant monies were to be used for interstate coordination of migrant education programs and projects, including the transmittal of pertinent information from childrens' school records.

In discussions associated with the preparation of the Education Amendments of 1974 (P.L. 93-380), Congress emphasized "that local educational agencies should give priority attention in operating Title I programs to the basic cognitive skills in reading and mathematics and to related support activities to eliminate physical, emotional, or social problems that impede the ability to acquire such skills." Both Senate and House discussions recognized, however, that such an assertion was not intented to preempt the prerogatives of local authorities to give priority to other areas (e.g. teacher training), if such emphasis were required to better meet the needs of disadvantaged children.

The formula for computing the maximum grants States may receive is based on the full-time equivalency of school-aged (5-17 years old) migrant children residing in the State. Unfortunately, the true number of migrant children is not known. Previous to FY 1975, estimates of the number of migrant children for each State were obtained by multiplying the number of migratory workers residing in the State (information provided by the employment offices of the U.S. Employment Service) by seventy-five percent.

Section 101 of P.L. 93-380 (Education Amendments of 1974) provided that the number of migrant children would henceforth be estimated from "statistics made available by the Migrant Student Record Transfer System or such other system as (the Commissioner) may determine most accurately and fully reflects the actual number of migrant students." Beginning in FY 1975, State allocations were based on information contained in the MSRTS.

The Title I migrant education program was first appropriated $9.7 million in Fiscal Year 1967 of a $40.3 million authorization. That appropriation has grown to $145.7 million for Fiscal Year 1978 programs. In 1967, State agency programs were not fully funded under the Title I enabling legislation; therefore, the appropriation was less than the authorization. In succeeding years, however, State agency programs have been funded to the full authorization. Services were initially provided for approximately 80,000 migrant children in FY 1967. Currently, the program is in operation in 46 States and Puerto Rico and serves over 500,000 children in 15,000 schools.

Some overview statistics concerning the migrant education program are as follows:

Funding History	Year	Authorization	Appropriation
	1967	$40,394,401	$9,737,847
	1968	41,692,425	41,692,425
	1969	45,556,074	45,556,074
	1970	51,014,319	51,014,319
	1971	57,608,680	57,608,680
	1972	64,822,926	64,822,926
	1973	72,772,187	72,772,187
	1974	78,331,437	78,331,437
	1975	91,953,160	91,953,160
	1976	97,090,478	97,090,478
	1977	130,893,263	130,893,263
	1978	145,759,940	145,759,940

FY 1978

(1) Participation - 46 States and Puerto Rico
(2) Appropriation - $145,759,940

FY 1977

(3) LEA Programs - 2,800
(4) School Projects - 15,000
(5) Children - 490,000

92.5%	K 12
7.5%	Preschool
100%	

42%	Interstate Agricultural
26%	Intrastate Agricultural
30%	Five-Year Agricultural
.5%	Interstate Fisher
.5%	Intrastate Fisher
1%	Five-Year Fisher
100%	

The Title I program for migratory children is a State-administered program which may involve financial assistance to local educational agencies as sub-grantees. Operational responsibilities are shared by the U.S. Commissioner of Education, State educational agencies, local educational agencies, and other public and private non-profit organizations which operate migrant projects.

The SEA is directly responsible for the adminstration and operation of the State's Title I migrant program. Annually, each SEA submits a comprehensive plan and cost estimate for its Statewide program to the Office of Education for approval. This plan contains information on the number and location of migrant students, their special educational needs, program objectives, services to meet those objectives, and procedures for determining program effectiveness. Further, the SEA is also responsible for the design and preparation of State evaluation reports.

When the State's application is approved, it is awarded a grant, entirely separate from the regular Title I allocation, to finance the migrant program. Proposals to operate a migrant project are submitted to SEAs by those LEAs serving areas with migrant students, and by other public and private non-profit organizations (note that proposals are submitted on a voluntary basis).

The needs of migrant children are established through parent contact, teacher observations, and data available in the Migrant Student Record Transfer System. Additional data are assembled through diagnostic testing and teacher evaluations, the results of which are then transmitted to the MSRTS when the migrant child withdraws from the project. Although the migrant program strives to serve those migrant children most in need when program funding is limited, the goal is to serve all migrant children demonstrating need at any level. Therefore, all migrant children may be served, the eligibility factor being the migratory status of the child according to the statute and the regulations.

The challenges that must be faced in meeting the needs of migratory children are many. The mobility of the migrant child and the effects that this mobility has had on the formerly migratory child has severely affected the educational continuity necessary for educational growth. This can be readily seen by the extremely low number of such children completing high school - 1,460 in 1976, and 4,792 in 1977. States that have these children in their schools for up to six months must plan a program based on late entries and early withdrawals, usually from the first of November through April. Other States, primarily receiving States, must plan "summer programs," really a misnomer because they often overlap into the regular school year. These challenges involve the entire spectrum of academic and supportive services.

In order to effect a significant program of assistance to the migrant child, an interstate approach must be pursued. In the arena of migrant education, this means an exchange of ideas, curriculum approaches and methodologies, a call for imagination and creativity in our schools, and a need to bridge State lines by cooperatively planning educational programs. It is often stated that our thinking and planning must become as mobile as the children we serve. But how do we educate a mobile population? This, then is the issue--challenge.

Programs operating during the regular school year have a greater opportunity to utilize available resources and therefore are less costly to operate. However, programs that begin late in the school year and that have the greatest impact during the summer months become self-supporting because of the unavailability of resources common during the regular school term. Because of increased efforts by States to identify and recruit eligible migrant youngsters due to the current method of detemining SEA allocations through the MSRTS and the funding eligibility of five-year provision children, programs ar expanding in duration and serving more children.

Migrant program exemplary projects as validated by the Joint Dissemination Review Panel of the Office of Education and the National Institute of Education include:

(1) The Migrant Student Record Transfer System (MSRTS), headquartered in Little Rock, Arkansas, is an important component of the national program. This computerized data system receives, stores, and transmits academic and health information on children participating in Title I migrant projects in each of the 46 participating States and Puerto Rico. Schools are responsible for submitting academic, health, and status information which can be retrieved by new teachers and school health officials;

(2) The Washington State Migrant Education Program, in cooperation with the Texas Migrant Education Program, has developed a program known as the Washington State-Texas Secondary Credit Exchange Project, a combination of night school and coordination with the students' home base schools to assure proper crediting of course work leading to a high school diploma.

(3) The Early Prevention of School Failure for Spanish-Speaking Migrant Children is a project of the Illinois State Migrant Program that has also been validated as exemplary. It provides the necessary screening assessment to determine the child's strengths and needs in developmental skill competencies. A follow-up educational program is then provided so that teachers and parents can help those children identified with developmental lags in the modality areas to achieve the necessary developmental skills to prepare for formal reading and writing.

(4) Project NOMAD (Needs and Objectives for Migrant Advancement and Development) of the Michigan State migrant education program is directed to the total development of the migrant child. This project synthesizes a unique curriculum which focuses on the needs of migrant students, their families, the community, and local educators into a single package which has impact on the migrant

student. Emphasis is on academic, physical, emotional, and social aspects. The summer curriculum also provides prevocational awareness and exploration programs for all students. Instruction is individualized; students work at their individual developmental levels in all content areas. All teachers and aides are trained in the methods and techniques of English As a Second Language.

(5) Project CHILD (Comprehensive Help For Individualized Learning Differences) in Geneseo, New York, incorporates individuals, agencies, and community resources, daytime, evenings, and weekends to serve rural migrant families. A twelve-hour day program is complemented by an evening educational component in the homes and camps for parents and older siblings; a weekend recreational component for the family; dental and health services; training and employment of parents and older siblings as classroom aides; vocational exploration and training for parents; and pre- and inservice education for teachers and other staff. Instructional objectives based on learner needs are implemented by experience-based, rather than textbook-oriented curriculum. Paraprofessionals must be parents or older siblings of children to be served. Staff development prior to and during the program improves teaching skills and sensitivity.

(6) The Migrant Language Arts Tutorial Program of the Florida State Migrant Education Program provides an atmosphere in which acquisition of language and reading skills is encouraged and reinforced. Services are provided for the Spanish-speaking, as well as the English-speaking students. Many of the students are involved in the task of learning English as a second language. English speakers are working on the mastery of oral language skills. Migrant

students in the tutorial program have demonstrated a mean gain of one and one-half months in overall reading achievement for every twenty hours of instruction.

Additional noteworthy accomplishments of the migrant education program include:
(1) To meet the need for continuity of educational services, States are now in the process of piloting the use of a reading and mathematics skills information system. Coded skills will be added to the MSRTS files so that as students move from one school to another, their records will indicate which reading and math skills they are currently working on and which skills they have mastered. In this way, teachers will be able to continue the efforts of their predecessors and plan an appropriate educational program for each child.
(2) The California Mini-Corps is a program born of the necessity to provide bilingual aides and professional teachers with migrant experience. This program selects young people who were former migrants and assists them in furthering their education by employing them in a migrant program to serve as tutors, aides, and home-school liaisons. These young people work in the schools during the day and live in the migrant camps. They follow a special course of study and receive college credit for this experience. A portion of their salary is held in escrow for their college expenses. The program has been in operation for six years and has produced approximately 170 migrant bilingual specialists.

These activities are but a few of the many approaches that are being taken to best meet the needs of migrant children.

The U.S. Office of Education has just completed a series of five hearings pertaining to the interim final regulations for migrant programs published in the Federal Register on July 13, 1977. The majority of the comments received addressed themselves to:

1. a greater emphasis on preschool programs for migrant children;
2. a strengthening of the requirement for parental involvement;
3. providing a definition of eligible migrant children more compatible with the other migrant service delivery programs in other Federal agencies.

Mr. Chairman, I have attempted to present to this committee an overview of the current status of the Title I, ESEA, migrant program. The Title I migrant education program and its focus on the provision of instructional continuity for highly mobile students has placed the general education community in a position of self-examination and has fostered a reassessment of the current system of providing educational services and whether, in fact, the organization and thrust of contemporary education can adequately meet the educational needs of this country's increasingly mobile population.

Thank you very much.

Chairman PERKINS. Senator John Perry.

[No response.]

Chairman PERKINS. Mr. de la Rosa, go ahead, please.

STATEMENT OF PAUL DE LA ROSA

Mr. DE LA ROSA. Mr. Chairman and members of the committee, the testimony which I have submitted can be summarized in two parts.

The first concerns historical background leading to the formation of the National Association of State Directors of Migrant Education. I have attempted to again point out that State operated programs, in particular the migrant program, are suffering due to the inability of OE to differentiate between the administrative requirements of ESEA Title I Regular and ESEA Title I Migrant.

I also pointed out in my testimony, when we first formed our association we didn't want to build an independent body which didn't have a unique and direct relationship to OE. At that time, we had a deputy commissioner who is no longer in the NOE who didn't grant the OE structure to work in concert in creating a National Committee of State Dirctors to provide leadership for the migrant program.

The second part of my testimony lists and explains the accomplishment of the National Association of Migrant Directors since 1975. During the last three years, the Association has been operating or functioning under the leadership of Mr. Charles Conyers, State Director of Virginia. And its first president, Mr. Joseph Soriano, from the State of Washington.

Second, the business of the Association is entrusted to me. I believe, Mr. Chairman, that I have been able to continue some of the excellent activities and projects which were initiated by the two previous presidents. Basically, these are the development of reading and math skills to be implemented by May 1978. This system, as Mr. Rivera has explained, is one which we believe will break through the States' refusal to adopt materials or to adopt practices which are incorporated in another State. We have been grappling within the last 10 years with the concept of continuity of education. In 1975 we embarked on the mission of identifying a set of reading and math skills that could be codified and incorporated in the MSRTS system which will be operative May 1978.

State Directors of Migrant Education created a Management Information System Committee. The purpose of that committee will be to identify that information which is crucial to good management planning of migrant programs. The information will be retrieved and stored in the migrant record transfer system. We believe such information will be valuable not only to the operation at the State level but will be made available to OE and hopefully to Congress to see whether we are indeed applying the funds being made available to the migrant program in the most effective way.

There is a committee currently working on the development of preschool skills information. Again this information will be included in the MSRTS and will provide continuity of educational information from the preschool level. Knowing the importance and the relationship of all language to reading, an All Language Committee has been created and currently is under way in developing a set of all language skills which will give the teachers an opportunity to review the development of the child's oral language and to create some relationship between his ability to move into the reading program based on his oral language skills. Within the scope of the skills information that we are talking about, we have not forgotten, and I notice in other testimony, that we are charged with the inability to look at the bilingual needs of children. I would like to tell you, Mr. Chairman, while there are a lot of weaknesses in the program and we don't have an implemented uniform bilingual program for migrant Spanish-speaking children, State directors and OE haven't forgotten there are many children whose language is not English. We are making every effort to attack that problem.

During this year we were very fortunate that OE took strong leadership in supporting us to obtain a new computer for the program. As we keep expanding the services of the MSRTS and the number of children we saw a need for a new computer.

We were very fortunate, Mr. Chairman, in acquiring such a computer which was going to cost us approximately $2.2 million for a little over $600,000. That is the kind of interest OE and the migrant directors are showing in terms of trying to apply the programs to those instructional programs which truly benefit the children. We are always conscious of the fact we want to expend the dollars in a judicious way specifically applying them to the migrant children.

We are currently looking at the communications system of MSRTS and we hope before the year is over, to acquire equipment which will facilitate a 24-hour turn-around time from the computer to the State and ultimately to the teacher. When you are communicating skills iformation, the purpose is to reduce the number of testing activities taking place out in the field. We know these testing activities are taking away from fully instructing the children.

We, the directors, determine that in order for us to get current information on the children as far as their reading, mathematics, oral language and their preschool levels, we needed information immediately in the hands of the administrator at the local level and in the hands of the teacher. They can then immediately place that child in the appropriate level.

Now, if a child is being taught at a peer group level, then we know the child is misplaced because usually the peer group average is not the level at which the migrant child is functioning. We believe we have information to give to the classroom teacher when the child is not functioning at the peer group level. There is a need to support that child to offset some of the load and to give to the teacher the opportunity to individualize the instruction for the child.

Finally, we are working on the development of a five-year plan. During the past ten years many of us in Title I have been groping with; How do you service the disadvantaged child? What kind of information do you need to create the appropriate instructional processes in the classroom or school buildings where these children attend?

We are very pleased to say that during the current year we are going to try to realize a five-year plan which will provide a road map for State officials and MSRTS. Therefore, we can look for better planning and efficiency and hopefully realization of the kinds of dreams all of us are looking for, for all children including migrant children. That is, they are entitled to all educational advantages given to other children and you are not afraid to provide funds for these children knowing they fall behind; and you want them to accelerate their learning to catch up with every other child on the "average" level so we can help them realize their goal of graduating from high school.

I recently had a State parent conference in my State. I would like to say to you that parents are still saying: "When is my child going to graduate? When will I see my children graduate? I have had 13 children and only two or three have been able to graduate from high school."

There are still other facets of the migrant program we have not been able to conquer but I am confident that with your help—and if I don't offend anyone—with God's help, we are going to get the job done.

Thank you very much.

[The prepared statement of Mr. de la Rosa follows:]

STATEMENT OF RAUL DE LA ROSA
SUPERVISOR OF MIGRANT EDUCATION, STATE OF WASHINGTON
FOR
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON AGRICULTURAL LABOR
RAYBURN HOUSE OFFICE BUILDING
OCTOBER 12, 1977

CHAIRMAN FORD AND MEMBERS OF THE COMMITTEE:

IT IS A PLEASURE TO BE HERE TODAY TO SUBMIT TESTIMONY ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF MIGRANT EDUCATION.

TWO YEARS AGO, WHEN I FIRST TESTIFIED, THE ASSOCIATION WAS IN ITS INFANCY. PRIOR ATTEMPTS TO RECEIVE SANCTION FROM USOE FOR AN INTERSTATE COMMITTEE WERE FUTILE. BECAUSE OF OE'S CONTINUED REFUSAL TO SANCTION SUCH A COMMITTEE, THE STATE DIRECTORS FORMED AN INDEPENDENT ORGANIZATION TO PROMOTE NATIONAL ISSUES RELEVANT TO MIGRANT EDUCATION AND TO SEEK ALTERNATIVE SOLUTIONS TOWARD EFFECTING INTERSTATE COOPERATION AND FURTHERING THE EFFECTIVENESS OF COMMUNICATION THROUGH THE MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS).

To clarify the matter of OE's refusal to sanction an interstate committee, one must realize that, first, it was a deputy commissioner, since departed from OE, who was the key force in the continued refusal. Secondly, we believe that OE is unable to grasp the complexity of dealing with state-operated programs, such as Migrant Education, inasmuch as there is a failure among top OE officials to differentiate between the administrative requirements of the ESEA Title I Regular program and its step-child, the ESEA Title I Migrant program.

When I last appeared before you two years ago, I spoke to this very issue. And, I am sad to say, there has been no change in understanding nor any attempt to reorganize at the national level. The problem, as I see it, appears to stem from the fact that Title I Migrant funds are taken from the top of the ESEA Title I allocation. Because of this, OE has attempted to administer Title I Regular and Title I Migrant in the same manner. I can see no reason why, despite the fund source, there cannot be a separate set of administrative guidelines and structure to serve state administered programs such as Migrant. To reemphasize, I do not see a need for, nor do I subscribe to, separate funding for Title I Migrant, merely a separate administration of the funds within OE, an administration which will meet the unique needs of the states as they administer the Migrant program.

It was to help alleviate the unmet needs of the States that the Association was formed despite lack of OE sanction. The National Association of State Directors of Migrant Education (NASDME) membership is comprised of the Migrant Education State directors of participating States and the Trust Territory of Puerto Rico. Its purpose is (1) to assist OE and MSRTS to better serve the needs of migrant children through meeting the communication needs and wants of school district administrators, health officers and classroom teachers of migrant children; and (2) to create a forum through which directors assemble, exchange ideas and initiate creative avenues to break down institutional barriers to the continuity of the education of migrant children as they move from State to State.

Mr. Chairman and members of the committee, I am pleased and proud to enumerate the major efforts of NASDME, begun by the first two presidents, Charles Conyers of Virginia and Jesse Soriano of Michigan, and their Executive Committees, and now entrusted to me and the present Executive Committee:

1. In 1975, the Directors declared that skills information in reading and mathematics would be included in the MSRTS. To do this, committees were created to undertake the task of developing a list of skills in both reading (Spanish and English skills) and math and to design a

PROGRAMMING FORMAT WHICH WOULD ASSURE A SIMPLE COMMUNICATION TRANSACTION BETWEEN TEACHER AND COMPUTER. I AM PLEASED TO TELL YOU THAT SUCH A COMMUNICATION SYSTEM IS SCHEDULED TO BEGIN IN MAY, 1978.

2. WE ARE AWAITING A FINAL REPORT FROM THE MANAGEMENT INFORMATION SYSTEM COMMITTEE, FORMED IN 1976. THE RESULTS OF THIS COMMITTEE'S EFFORTS ARE EXPECTED TO BENEFIT CONGRESS, USOE, AND INDIVIDUAL STATES BY PROVIDING HARD DATA EXTRACTED FROM THE MSRTS, RELEVANT TO THE STRENGTHS AND WEAKNESSES OF THE NATIONAL PROGRAM. IT WILL ALSO PROVIDE INDIVIDUAL STATES A BASIS FROM WHICH THEY CAN IMPROVE THEIR INSTRUCTIONAL PROGAMS FOR MIGRANT CHILDREN AND PREPARE OE REPORTS THAT ARE BASED ON SOUND DATA.

3. A PRE-SCHOOL COMMITTEE HAS RECENTLY BEEN FORMED TO IDENTIFY AND/OR DEVELOP A SET OF PRE-SCHOOL SKILLS WHICH WILL BE PROGRAMMED ON THE MSRTS COMPUTER IN THE SAME MANNER AS THE READING AND MATH SKILLS. THIS WILL PROVIDE A BASIS FOR CONTINUITY AMONG MIGRANT EDUCATION PRE-SCHOOL PROGRAMS.

4. AN ORAL LANGUAGE COMMITTEE HAS RECENTLY BEEN FORMED TO DEVELOP A SET OF BILINGUAL ORAL LANGUAGE SKILLS. THESE SKILLS WILL ALSO BE PROGRAMMED IN THE MSRTS COMPUTER. ORAL LANGUAGE IS FUNDAMENTAL TO THE ACQUISITION OF READING SKILLS.

5. The National Association gave approval for and assisted in the purchase of a new and large computer for the MSRTS. Through the efforts of the Associaiton, Mp. Joe Miller, director of the MSRTS, and Mr. Vidal Rivera, Chief of Migrant Education, we were able to secure an IBM 158 through GSA at a savings of over $2 million to the migrant program.

6. The MSRTS Committee has recommended to the Executive Committee of the Association that the communications network system of the MSRTS be upgraded to facilitate more rapid turn-around time between teacher and computer. Present turn-around time is 48-72 hours. With skills information, it is imperative that this turn-around time be achieved within 24 hours. This will preclude the teacher from having to test the migrant child unnecesarily and allow for quick placement at the appropriate skill level in math, reading, oral language or pre-school.

7. The Directors are in the process of developing a 5-year plan. This plan should provide OE, MSRTS, and State Directors a road map for better planning. Mr. Rivera, Mr. Miller and the directors refuse to operate under a crisis-to-crisis level.

I could continue to cite areas which show a marked growth in bettering the National Migrant Education Program; however, I believe that through what I have cited thus for you are well able to see the improvement of the National Migrant Education Program through the efforts of Mr. Rivera, Mr. Miller and the NASDME. I am confident that you are able to see that the funds Congress is allocating for migrant education are being put to good use.

Mr. Ford. Thank you very much.

Mr. Soriano, we will hear from you.

STATEMENT OF DR. JESSE SORIANO

Dr. Soriano. In my testimony what I would like to do is tell you what migrant edcucation has done, at least in my State.

Increasingly, as the years have passed, the legislation which created migrant education must be viewed as one of the finest examples of the wisdom with which our Congress can act. Migrant education legislation brought into existence an educational program which has indeed become a milestone in America's education history. The migrant program has not only served children with a commitment unsurpassed, it has also had impact on America's total educational system. Witness the creation of the National Migrant Student Record Transfer System, a concept developed and implemented cooperatively by almost every single State Department of Education in the nation.

In Michigan I have seen migrant education provide the major impetus for the creation of bilingual education. It was indeed migrant education funds which spotlighted the needs of bilingual/bicultural children and provided the initial support for the development of bilingual curriculum materials. Migrant schools became the training grounds for hundreds of our present-day bilingual teachers and bilingual administrators. It has been migrant program teachers, too, who with their unbounded enthusiasm and commitment, have refined and developed teaching techniques and strategies which in turn have been transported to the regular school programs—to the benefit of all children, not only migrant children.

In Michigan, migrant education programs were some of the first to train teachers in the writing of skills objectives, and in the development of objective-referenced testing—all of which has culminated in the development of the national migrant skills lists soon to be entered in the National Migrant Student Record Transfer System.

I might add proudly that it was Michigan who first introduced the minimal performance objectives in mathematics, which in turn became the model for our national skills lists. Migrant educators, you see, were some of the first to recognize the inappropriateness of standardized testing and to do something about it.

I think equally as important is the awareness which migrant education has brought to local communities throughout the nation, not only my own State. Communities which had heretofore viewed migrants and their children as intruders and undesirables, are now beginning to appreciate and respect the cultural diversity of the migrant families. Migrants are now beginning to receive the respect and regard due any American citizen; and it was migrant education and continues to be migrant education which proved to be the catalyst for creating a spirit of cooperation and understanding between people.

But it isn't only local communities which have been affected. In Michigan this past year the Michigan Legislature passed a concurrent resolution designating the month of June as Migrant Education Month—this, a type of recognition not often accorded education programs. In my own agency, Dr. John W. Porter, Superintendent of Public Instruction, has long considered the education of migrant children to be a top priority for Michigan education.

In fulfilling its primary respsonsibility—that of meeting the special educational needs of children, Michigan's migrant programs have proven to be flexible and innovative, contrary to some perceptions, designing their approaches to be compatible with the characteristics of migrant children. Where the children are bilingual, bilingual staffing and bilingual materials are used. When necessary, concepts are taught first in the child's primary language. In the case of all migrant children, materials and class activities are made relevant to the child's experience and background.

In Michigan, all migrant project staffs—including cooks, bus drivers, and custodians—are involved in ongoing pre-service and in-service training to improve their awareness and appreciation for the cultures of migrant children. Teachers and teacher aides are encouraged, and in many cases required, to visit the migrant camps and interact with migrant parents. As a result, migrant parents have become more supportive of the educational programs and participate in their development and implementation.

Although it is difficult to evaluate the educational success of short-term programs—particularly where children come and go without giving notice—all the testing data available indicates that children in Michigan's migrant program are making substantial progress in the language arts and math, the basic skills. This is particularly true in the improvement of their oral English language facility.

Testing data from several of Michigan's programs indicate average growth of six months in oral English, during a six-week program. Reading and math test results show equally dramatic gains.

Possibly some of the most gratifying results, however, have come about in the area of the effective domain where reports by teachers and migrant parents, as well as test results, show that migrant children are changing their feelings about school and about their chances for success. Migrant children are showing more initiative n school, more self-assurance, and more willingness to participate in classroom activities. Attendance has shown a great improvement and children look forward to attending migrant schools.

But if the academic success of migrant education programs is difficult to gauge, the success of the supportive components is not. Migrant educators can tell you how many painfully decayed and abscessed teeth have been treated; we can tell you how many children can now see because they received glasses; we can tell you how many pairs of new shoes we've given to children who had never seen a new pair of shoes; we can tell you how many children have received nutritionally-balanced meals—children who might otherwise experience hunger; we can tell you the number of times we've been able to detect and have diagnosed illness which, if left untreated, might have proved fatal.

If the migrant program has not always been successful as an academic program, it has nonetheless made the lives of thousands of migrant children better.

All the apparent success notwithstanding, migrant education needs to be improved and much remains to be done.

Migrant education legislation must be made more comprehensive; it must provide for more than just school age children. It must provide for infant care and preschool and it must provide for postsecondary education. Migrant students who are fortunate enough to finish high school must not be stopped at university gates simply because they cannot afford the high cost of tuition.

Migrant education legislation if it is to be successful must be made not only more comprehensive but more acceptable to the State education agencies which are called upon to administer the programs. States must be allowed greater latitude in administering the program and the rules and regulations governing migrant education must not impose undue and unnecessary demands upon State agencies. The required program accountability can be achieved through a closer working relationship between Federal Government and the States. Heed must be taken of the great burden which State educational agencies already carry. The Federal Government must be not only a provider, but also a facilitator.

If the role of facilitator is to be carried out successfully, the following things must happen.

The United States Office of Education must deploy more technical assistance to migrant education programs. It must provide greater assistance in the areas of program development and evaluation. It must also assist the States in the dissemination of information.

I am not suggesting prescription, incidentally.

The Department of Health, Education, and Welfare must, in turn, coordinate the efforts of its several agencies which presently provide services to migrants. Legislation must be written which emphasizes compatibility of programs, thus assuring effective and efficient unduplicated effort. Unfortunately, at present many States perceive there to be little or no coordination and cooperation between the agencies at the Federal level.

The Federal Government must continue to look to State education agencies as the primary agencies for the implementation of categorical programs such as migrant education. State educational agencies have proven themselves and all evidence seems to suggest that they will continue to be the leaders in the future progress of education.

Categorical funding must be continued inasmuch as State legislatures and local school boards given their own priorities may not be able to respond to the needs of transient migrant children. However, at the same time that categorical funds are required, the Federal Government must take measures which will motivate State educational agencies and local school districts to assume their rightful reponsibility. Perhaps one of the measures might even be to establish some added cost or shared cost incentives.

I am saying this on experience which we have had which indicates local agencies are not happy to provide categorical programs simply because they don't have the funds to provide the same programs for their residence children.

In summary, I would like to say that migrant education has been tremendously successful and will continue to be successful with your support. It will continue to serve a group of children who have been denied equal educational opportunity more than any other. It will continue to be a program to which Congress can point proudly.

I thank you very much.

[The prepared statement of Dr. Soriano follows:]

MICHIGAN MIGRANT EDUCATION PROGRAM

TESTIMONY SUBMITTED TO

SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION

COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES
OCTOBER 12, 1977
CARL D. PERKINS
CHAIRMAN

PREPARED BY
JESSE M. SORIANO
SUPERVISOR, MICHIGAN
MIGRANT EDUCATION PROGRAM
MICHIGAN DEPARTMENT OF
EDUCATION

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

IT IS AN HONOR TO ONCE AGAIN COME BEFORE YOU AS I DID IN 1973 TO SPEAK ON BEHALF OF MIGRANT EDUCATION AND MIGRANT CHILDREN.

INCREASINGLY, AS THE YEARS HAVE PASSED, THE LEGISLATION WHICH CREATED MIGRANT EDUCATION MUST BE VIEWED AS ONE OF THE FINEST EXAMPLES OF THE WISDOM WITH WHICH OUR CONGRESS CAN ACT. MIGRANT EDUCATION LEGISLATION BROUGHT INTO EXISTENCE AN EDUCATIONAL PROGRAM WHICH HAS INDEED BECOME A MILESTONE IN AMERICA'S EDUCATION HISTORY. THE MIGRANT PROGRAM HAS NOT ONLY SERVED CHILDREN WITH A COMMITTMENT UNSURPASSED, IT HAS ALSO HAD IMPACT ON AMERICA'S TOTAL EDUCATIONAL SYSTEM. WITNESS THE CREATION OF THE NATIONAL MIGRANT STUDENT RECORD TRANSFER SYSTEM, A CONCEPT DEVELOPED AND IMPLEMENTED COOPERATIVELY BY ALMOST EVERY SINGLE STATE DEPARTMENT OF EDUCATION IN THE NATION.

IN MICHIGAN I HAVE SEEN MIGRANT EDUCATION PROVIDE THE MAJOR IMPETUS FOR THE CREATION OF BILINGUAL EDUCATION. IT WAS INDEED MIGRANT EDUCATION FUNDS WHICH SPOTLIGHTED THE NEEDS OF BILINGUAL/BICULTURAL CHILDREN AND PROVIDED THE INITIAL SUPPORT FOR THE DEVELOPMENT OF BILINGUAL CURRICULUM MATERIALS. MIGRANT SCHOOLS BECAME THE TRAINING GROUNDS FOR HUNDREDS OF OUR PRESENT-DAY BILINGUAL TEACHERS AND BILINGUAL ADMINISTRATORS. IT HAS BEEN MIGRANT PROGRAM TEACHERS, TOO, WHO WITH THEIR UNBOUNDED ENTHUSIASM AND COMMITTMENT, HAVE REFINED AND DEVELOPED TEACHING TECHNIQUES AND STRATEGIES WHICH IN TURN HAVE BEEN TRANSPORTED TO THE REGULAR SCHOOL PROGRAMS— TO THE BENEFIT OF ALL CHILDREN.

In Michigan, Migrant Education programs were some of the first to train teachers in the writing of skills objectives, and in the development of objective-referenced testing—all of which has culminated in the development of the National Migrant Skills lists soon to be entered in the National Migrant Student Record Transfer System.

I might add proudly that it was Michigan who first introduced the minimal performance objectives in mathematics, which in turn became the model for our National Skills Lists. Migrant educators, you see, were some of the first to recognize the inappropriateness of standardized testing and to do something about it.

Equally as important is the awareness which Migrant Education has brought to local communities throughout the nation. Communities which had heretofore viewed migrants and their children as intruders and undesireables, are now beginning to appreciate and respect the cultural diversity of the migrant families. Migrants are now beginning to receive the respect and regard due any American citizen; and it was Migrant Education and continues to be Migrant Education which proved to be the catalyst for creating a spirit of cooperation and understanding between people.

But it isn't only local communities which have been affected. In Michigan this past year the Michigan Legislature passed a Concurrent Resolution designating the month of June as Migrant Education Month—this, a type of recognition not often accorded education programs. In my own agency, Dr. John W. Porter, Superintendent of Public Instruction, has long considered the education of migrant children to be a top priority for Michigan education.

In fulfilling its primary responsibility--that of meeting the special educational needs of children, Michigan's migrant programs have proven to be flexible and innovative, designing their approaches to be compatible with the characteristics of migrant children. Where the children are bilingual, bilingual staffing and bilingual materials are used. When necessary, concepts are taught first in the child's primary language. In the case of all migrant children, materials and class activities are made relevant to the child's experience.

In Michigan, all migrant project staffs--including cooks, bus drivers, and custodians--are involved in ongoing preservice and inservice training to improve their awareness and appreciation for the cultures of Migrant children. Teachers and teacher aides are encouraged, and in many cases required, to visit the migrant camps and visit with migrant parents. As a result, migrant parents have become more supportive of the educational programs and participate in their development and implementation.

Althought it is difficult to evaluate the educational success of short-term progrmas--particularly where children come and go without giving notice--all the testing data available indicates that children in Michigan's migrant program are making substantial progress in the language arts and math. This is particularly true in the improvement of their oral English language facility.

Testing data from several of Michigan's programs indicate average gains

OF SIX MONTHS IN ORAL ENGLISH, DURING A SIX-WEEK PROGRAM. READING AND MATH TEST RESULTS SHOW EQUALLY DRAMATIC GAINS.

POSSIBLY SOME OF THE MOST GRATIFYING RESULTS, HOWEVER, HAVE COME ABOUT IN THE AREA OF THE AFFECTIVE DOMAIN WHERE REPORTS BY TEACHERS AND MIGRANT PARENTS, AS WELL AS TEST RESULTS, SHOW THAT MIGRANT CHILDREN ARE CHANGING THEIR FEELINGS ABOUT SCHOOL AND ABOUT THEIR CHANCES FOR SUCCESS. MIGRANT CHILDREN ARE SHOWING MORE INITIATIVE IN SCHOOL, MORE SELF-ASSURANCE, AND MORE WILLINGNESS TO PARTICIPATE IN CLASSROOM ACTIVITIES. ATTENDANCE HAS SHOWN A GREAT IMPROVEMENT AND CHILDREN LOOK FORWARD TO ATTENDING MIGRANT SCHOOLS.

BUT IF THE ACADEMIC SUCCESS OF MIGRANT EDUCATION PROGRAMS IS DIFFICULT TO GAUGE, THE SUCCESS OF THE SUPPORTIVE COMPONENTS IS NOT. MIGRANT EDUCATORS CAN TELL YOU HOW MANY PAINFULLY DECAYED AND ABSCESSED TEETH HAVE BEEN TREATED; WE CAN TELL YOU HOW MANY CHILDREN CAN NOW SEE BECAUSE THEY RECEIVED GLASSES; WE CAN TELL YOU HOW MANY PAIRS OF NEW SHOES WE'VE GIVEN TO CHILDREN WHO HAD NEVER SEEN A NEW PAIR OF SHOES; WE CAN TELL YOU HOW MANY CHILDREN HAVE RECEIVED NUTRITIONALLY-BALANCED MEALS--CHILDREN WHO MIGHT OTHERWISE EXPERIENCE HUNGER; WE CAN TELL YOU THE NUMBER OF TIMES WE'VE BEEN ABLE TO DETECT AND HAVE DIAGNOSED ILLNESS WHICH, IF LEFT UNTREATED, MIGHT HAVE PROVED FATAL.

IF THE MIGRANT PROGRAM HAS NOT ALWAYS BEEN SUCCESSFUL AS AN ACADEMIC PROGRAM, IT HAS NONE-THE-LESS MADE THE LIVES OF THOUSANDS OF MIGRANT CHILDREN BETTER.

All the apparent success notwithstanding, Migrant Education needs to be improved and much remains to be done.

Migrant Education Legislation must be made more comprehensive; it must provide for more than just school age children. It must provide for Infant care and Pre-School and it must provide for Post Secondary Education. Migrant students who are fortunate enough to finish high school, must not be stopped at university gates simply because they cannot afford the high cost of tuition.

Migrant Education legislation if it is to be successful must be made not only more comprehensive but more acceptable to the State Education Agencies which are called upon to administer the programs. States must be allowed greater latitude in administering the program and the rules and regulations governing migrant education must not impose undue and unnecessary demands upon state agencies. The required program accountability can be achieved through a closer working relationship between federal government and the states. Heed must be taken of the great burden which State Educational Agencies already carry. The federal government must be not only a provider, but also a facilitator.

If the role of facilitator is to be carried out successfully, the following things must happen.

> The United States Office of Education must deploy more technical assistance to Migrant Education Programs. It must provide greater assistance in the areas of program development and evaluation. It must also assist the states in the dissemination of information.

THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE MUST, IN TURN COORDINATE THE EFFORTS OF ITS SEVERAL AGENCIES WHICH PRESENTLY PROVIDE SERVICES TO MIGRANTS. LEGISLATION MUST BE WRITTEN WHICH EMPHASIZES COMPATIBILITY OF PROGRAMS, THUS ASSURING EFFECTIVE AND EFFICIEND UNDUPLICATED EFFORT. UNFORTUNATELY, AT PRESENT MANY STATES PERCEIVE THERE TO BE LITTLE OR NO COORDINATION AND COOPERATION BETWEEN THE AGENCIES AT THE FEDERAL LEVEL.

THE FEDERAL GOVERNMENT MUST CONTINUE TO LOOK TO STATE EDUCATION AGENCIES AS THE PRIMARY AGENCIES FOR THE IMPLEMENTATION OF CATEGORICAL PROGRAMS SUCH AS MIGRANT EDUCATION. STATE EDUCATIONAL AGENCIES HAVE PROVEN THEMSELVES AND ALL EVIDENCE SEEMS TO SUGGEST THAT THEY WILL CONTINUE TO BE THE LEADERS IN THE FUTURE PROGRESS OF EDUCATION.

CATEGORICAL FUNDING MUST BE CONTINUED IN-AS-MUCH AS STATE LEGISLATURES AND LOCAL SCHOOL BOARDS GIVEN THEIR OWN PRIORITIES MAY NOT BE ABLE TO RESPOND TO THE NEEDS OF TRANSIENT MIGRANT CHILDREN. HOWEVER, AT THE SAME TIME THAT CATEGORICAL FUNDS ARE REQUIRED, THE FEDERAL GOVERNMENT MUST TAKE MEASURES WHICH WILL MOTIVATE STATE EDUCATIONAL AGENCIES AND LOCAL SCHOOL DISTRICTS TO ASSUME THEIR RIGHTFUL RESPONSIBILITY. PERHAPS ONE OF THE MEASURES MIGHT EVEN BE TO ESTABLISH SOME ADDED COST OR SHARED COST INCENTIVES.

IN SUMMARY, I WOULD LIKE TO SAY THAT MIGRANT EDUCATION HAS BEEN TREMENDOUSLY SUCCESSFUL AND WILL CONTINUE TO BE SUCCESSFUL WITH YOUR SUPPORT. IT WILL

CONTINUE TO SERVE A GROUP OF CHILDREN WHO HAVE BEEN DENIED EQUAL EDUCATIONAL OPPORTUNITY MORE THAN ANY OTHER. IT WILL CONTINUE TO BE A PROGRAM TO WHICH CONGRESS CAN POINT PROUDLY.

Mr. FORD. We will come back for questions.

Mr. C. L. Conyers, Supervisor, Title I and Migrant Education, Department of Education.

STATEMENT OF C. L. CONYERS

Mr. CONYERS. Almost twelve years have passed since the passage of the amendment to the Elementary and Secondary Act of 1965 to include the education of migratory children. We were all so happy because for the first time in the history of the country, a concerted effort was being made on the part of the Federal Government to recognize and serve the most neglected segment of our population—the migrant child.

The concern of migrant boys and girls must begin at birth and be reinforced throughout their life. It must begin with a wholesome environment that encourages, motivates, and stimulates curiosity, giving the child a sense of achievement, of being able to deal with his or her environment and willingness to grapple with problems and seek solutions to them. We must, therefore, be concerned with the whole child.

I have asked myself many times in the last twelve years, what of the migrant children? Have they changed? Or are they changeless? From outward appearances they probably don't look the same but what about the inside? Their feelings, hopes, aspirations, dreams, and desires. Perhaps the most unchallenged knowledge we possess that is relevant to schooling is the fact of individual differences. Each migrant child comes to us as a biologically and psychologically unique organism. We know that learning is related not only to capacity but also to values, aspirations, perceptions, needs, and the interest of the individuals. We must provide a wide variety of methods and techniques to insure choices for migrant children so that they may gain respect for learning at the present with a hope for the future, and a sense of purpose and direction in shaping the problems, challenges, rewards, and responsibilities of our society.

I agree that the regulations should be amended and expanded to reflect and implement relevant amendments made by Title I of the Elementary and Secondary Act by P.L. 93-380. My concerns today are primarily about the following:

1. Expand the program to include children that work in all types of agriculture and related activities. The Interim Rules and Regulations on Migrant Education, page 36080, Subpart A—General 116d.2, that deals with the definition of guardians, states that:

"Guardian" means:

(a) A person who has been appointed the legal guardian of a migratory child through formal proceedings in accordance with State law;

(b) A person who the State agency finds would be appointed to be the legal guardian of a migratory child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in place of a parent to the child.

It further states in the comments, page 360.77, that the added definition of guardian is not intended to cover crew leaders having custody of children for the primary purpose of supervising their employment because they are not considered persons standing in the place of parents.

This section of the regulations does not take nto account that a crew leader is given complete custody of the child while they seek gainful employment or while they are temporarily employed.

The crew leader has full control of the child under his custody with a signed statement from the parent or guardian with respect to his:

(a) Preparation for work;
(b) Physical examination;
(c) Proper clothing and dress;
(d) Handling of finances;
(e) Behavior.
(f) Decision making with reference to his total welfare.

Further, these children that follow crew leaders from Virginia to the tobacco fields of Massachusetts, Connecticut, and North Carolina are in desperate need of finances. Many of them come from rural homes where the parents, themselves, are engaged in farming activities and are in need of the finances to help support their families. Further, the money that these children earn and save during the summer by working in tobacco fields aid them in the purchasing of survival clothing, and to supplement the family income. This is one way which will enable them to attend school regularly during the school year, and ultimately prevent them from becoming a drop-out.

This same crew leader carefully screens these children to ascertain whether or not they are in financial need before they are given permission to go to the tobacco fields. They are checked for such things as:

(a) Economic background;
(b) Behavior pattern;
(c) Cooperative spirit; and
(d) Whether or not they will benefit from such employment that will aid them in completing their high school education.

Once this information is ascertained by the crew leader, he will then extend an invitation for them to become a part of the crew. Once the children arrive in camp, the crew leader becomes the only person that is responsible for their welfare. Every decision that affects the child is made by the crew leader.

Further, it does not seem reasonable to disqualify these children because he or she migrates and the parent or guardian does not. Under the interim regulations, this child would become the migrant and is the one seeking seasonal and temporary employment. Additional data are available to show that it was the intent of Congress for these children following crew leaders be served under the law. To exclude these children would be depriving even a larger group of children coming from other states as well as the States of Virginia, Mississippi, Pennsylvania and North Carolina.

2. Continuity of Education and Services:

I have since the beginning of migrant education supported the idea of continuity of education and services for migrant children. It is impossible for home base states to completely solve all of their problems, but with the aid of receiving States, a concerted effort must be made by all States. Inasmuch as migrants do not necessarily travel by specific stream any longer, more and more the data bank becomes our big hope for continuity.

What are some of the areas that we must provide for continuity?

(a) Health Services;
(b) Critical Data (Key or School Data), Identifying Children;
(c) Academic (Testing Programs);
(d) Special Interest Programs (Career and Vocational Education);
(e) Needs Assessment.

3. Migrant Student Record Transfer System:

This system has been invaluable to us over the past years. It must continue to serve as a source of data but most of all for program planning and development of needs assessment. Tracking students is also vital and the data bank has helped us immensely.

Health data on each child regardless of his movement is important. We can cite case after case to show how the data bank has helped. The utilization of data from the data bank is proving more and more valuable to states.

The approval of new national reading and mathematics skills is in the best interest of the migrant child.

The MSRTS serves as a basis for:

(a) Data collection;
(b) Tracking migrant children;
(c) Program planning;
(d) Dissemination of information on these children.

4. Funding for Migrant Programs:

With over 500,000 migrant children already in the data bank, the funding of programs for these children have increased each year and should continue as more and more children are identified. I do not mean to imply that we must not be accountable, on the contrary, as needs are identified and documents, funds should be provided to meet these needs.

I believe very strongly that we must still continue to receive our funds from the top of Title I since these children are so closely related with similar needs.

5. The New Interim Regulations would be advantageous to preschoolers or minors in migrant families in that these children will be afforded:

(a) Continuity in educational program;
(b) Parental involvement;
(c) Supportive services;
1. Day care services for infants and very young migrant children;

(d) Programs for preschool children under the age of public elementary education; and then it would help us in

(e) Cooperation programs.

During the past eleven years, I have had the pleasant task to supervise Virginia's migrant program and at the same time visit and observe other programs throughout the country. Let me share with you some of the questions often asked me about migrants.

1. Will automation deprive migrants of a livlihood as they now know it?
2. What will life for migrants be like in the growing years ahead?
3. If they are not to migrate, how would they best be assimilated in rural areas or urban areas?
4. Should we attempt to keep them from migrating?
5. What does all of this mean in terms of developing school plants, curriculum, securing of personnel and employment practices and opportunities?
6. Why do migrants keep migrating? Why don't they leave the migrant stream?

Personally, I do not have the answer to these questions and I am not aware of anyone that does, but let me begin by saying that migrants have the same basic human needs as all other human beings. These needs are:

(a) Food, sleep, fresh air, shelter, and protection from danger;

(b) A chance to love and be loved in return;

(c) An opportunity to be an independent person, but able to depend on others;

(d) A feeling of importance and value as an individual; and

(e) Freedom—freedom to grow, to learn, to explore, and to create.

Further, let me answer by giving you my analyses of the film I saw titled, "No Harvest For The Reaper". This Long Island story begins in Arkansas where the crew leader recruits his workers and he says, "All you've got to do is get on my bus." He barely mentions the fare they will pay for transportation that will begin a treadmill of debt. Sometimes picking strawberries for 10 cents per quart, earning only $2 per day; transportation to and from the fields $1.25 per day; filthy accommodations for $3 per week; food that his wife will sell from the chuck wagon and wine purchased from the ABC store and sell it to them for double the price.

As a result, and at the end of the Long Island harvest, the migrant will have no choice but to follow the crew leader to the next step, Florida, Texas, Arizona, California, Washington, Virginia, etc., and then back to Arkansas and Long Island. The film points out their inability to leave the stream.

In an allegorical sense, we can ask ourselves as did the Prophet Isiah; Who hath believed our reports? Opulent America cannot believe because they do not see the migrant people who are crowded in camps off from the mainstream of our society. Yet we can see the reflections of the sun and rockets encircling the earth and the works of man in outer space, so our eyes are blinded to the needs of man in inner space at a price tag of 4-1. I believe it is not a matter of being unable to see, to believe the report of poverty in the midst of plenty, it is that we do not wish to see and believe.

Perhaps it is as the Prophet Isiah wrote and again may I take poetic license to make this point. In the 53rd Chapter of Isiah, "For he (the migrant child) shall grow up as a tender plant, and a root out of dry ground, he has no form or cruelness and when we shall see him, there is no beauty that we shall desire him".

Until we have the fortitude to take the part of this migrant child, no matter how unlovely he may be, we cannot truly say we are interested in the well-being of all children.

Henry Thoreau said: "If you have built castles in the air, your work need not be lost, that is where they should be built, now put some foundation under them".

Past dreams, or dreams, you may say. No, I believe that we have already begun to implement the most important dream of our times—the education of migrant children. Many of the foundations have already been laid, but we recognize that ahead of us lies a great destiny of our dedication and strength to see if we have the faith, dedication, strength, will, and determination to fully achieve the total education of the migrant child.

Mr. FORD. Thank you very much.

Mr. Robert Youngblood, Director of Migrant Education, North Carolina Department of Public Instruction.

STATEMENT OF ROBERT YOUNGBLOOD, DIRECTOR OF MIGRANT EDUCATION, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Mr. YOUNGBLOOD. Thank you, Mr. Chairman, members of the committee.

I have had the privilege for the past eight years to serve as State Director of Migrant Education for North Carolina. I share with pride in the accomplishments that have been presented here by my fellow directors of some of the successes we have had in migrant education over the period of ten years.

I would like to direct my comments this morning to 11 points that are in my testimony that will help to provide continued growth and development for the migrant program, and then I will summarize.

My first comment would be related to the uniform definition of "migrants". Each program and each organization has its own definition of a "migrant". The multitude of definitions makes it very difficult to provide services to this group.

There should be a thorough study made to provide a uniform definition to provide services to all of the groups that receive Federal funds. I think we would have better coordination of services once we understand, and there is some uniformity in the definition of, the many programs that provide services for these children.

My second comment would be relating to the total number of years of eligibility of children to participate in the migrant program. The statement of the law and the regulations are not clear on the total number of years that a child may participate in the migrant education program.

In defining a formerly migratory child, Section 122(a)(3) states: "with the concurrence of his parents, a migratory child of a migratory agricultural worker or migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in an area served by the agency carrying on a program or project under this part."

The problem of this definition is –and it is repeated in the regulation, the same definition – is that we are not sure whether it has a total of six years eligibility or five years.

If you go back and read this, you can make justification for a total of six years' eligibility or a total of five years' eligibility. There is a lack of uniformity of understanding with State directors in the number of years that Congress intended to provide under this clause. I think it needs to be clarified in either the law or the regulation so we would know the full intent of this provision of the law.

Next I would like to discuss the minimum requirements for eligibility certification. This has been a rather common problem with the migrant people.

HEW and GAO audits and U.S. Office of Education program reviews have consistently found problems in establishing the eligibility of a child to particpate in a migrant education program. There is little agreement about what constitutes minimum requirements for eligibility certification.

While it is agreed that each State should be responsible for developing forms to be used in its program, it is recognized that there is a need for the basic information relating to statutory requirements to be the same.

I would suggest that the Office of Education be instructed to clarify this and to provide each of the States with the minimum eligibility requirements for certification for children to participate in the program.

The next point I would like to speak to is parental consent for the formerly migratory child. At the current time it is necessary to secure a parental signature for each child that will participate in the program under the five-year eligibility clause. This is very time consuming. It is very expensive to send the recruiters out to the homes and secure the signature. The child cannot receive the supplemental educational services until his eligibility has been established.

I think that the best interest of the child would be to eliminate this clause. It is the school officials' responsibility to certify the eligibility of each of these children and not the parent, so I would strongly support that we eliminate the requirement for parental signature for certification purposes. This is in our interim regulations, 116d.35. It spells out the specifics that we do need to secure a signature annually for children to participate in this program.

Next I would like to support Mr. Conyers' point of view in relationship of crew leader serving the teenage migrant workers.

Mr. FORD. I know we were going to hold questions until later, but that language was written in the bill for a specific reason. This is the first time it has ever been called to my attention, that this presents an in time dating barrier.

Is there something in the regulations promulgated by OE that tells you that the only way you can have the concurrence of the parent is to get their signature on a form?

Mr. YOUNGBLOOD. Yes, sir; 116d.35 spells out specifically that we must secure parental signature for all five-year eligible migrants.

Mr. FORD. Do you interpret that to mean that the child is not eligible for the program until you have an advanced signature from the parent?

Mr. YOUNGBLOOD. Yes, sir.

Mr. FORD. There are some parents who aren't the easiest in the world to get to sign their name to anything.

Mr. YOUNGBLOOD. Yes, sir.

Mr. FORD. For whatever it is worth, I would like to say to you that the reason the language is structured that way is because of a particular concern expressed to us. I hope the sensitivity that we showed as a result of a concern of whether or not some people might believe that their child was stigmatized by being identified once they had settled in the community with no intent of returning to the migrant stream.

The concern was that parents who did not want their child to be so identified would avoid having the child identified as participating in a program that causes the children to walk through a door labeled "Migrant Children Enter Here."

Maybe we could arrange a system with the Office of Education whereby the parents would be notified that unless they had an objection their child would be categorized as a migrant. In the interim he or she would not be kept out of school while officials were waiting for a signature.

I can think of all kinds of reasons why parents would be relucatant to sign and if, in fact, the Office of Education is requiring the parent to sign, it is not at all consistent with the concerns we expressed regarding imposing a further burden on the parent in terms of some deliberate act on their part that stipulated "My child is different because we were formerly migrant workers." That seems to me to be something we probably could correct in the regulations.

Mr. DE LA ROSA. May I comment on that?

Mr. FORD. Yes.

Mr. DE LA ROSA. I think part of the problem is the defensive posture which some critics of the migrant program have placed on the OE program. I am not here to defend OE, but one of the problems is that people are accusing some of the States, or maybe all of the States, of loading the computer and that we have children on there that really aren't migrants, and so we have all been looking for a system or method of assuring that every migrant or every student that is enrolled in the migrant system is indeed a migrant; and so I believe that that is basically the basis on which we began to develop a system to assure that no child placed on the computer would be nonmigrant and therefore fend off the critics that are saying you are just loading the system with names and students out there that aren't true migrants, and you just want the money.

I believe that that is basically one of the elements that we have been fighting, and so out of this emanated some kind of a need to validate student eligibility.

Some of us have talked about parents' signatures. Others have talked about school officials validating the migrant status of the student, so that if GAO were to come in and audit the MSRTS and try to trace the children back to the States to determine their eligibility, they would find documented evidence the children are indeed migrant children students.

Mr. FORD. I am somewhat familiar with the mental block that existed in the Office of Education with regard to this program and the resentment that was shown over the fact that we provided for mandatory funding of five-year migrant students in 1974. Having recommended against that, there were administrators in OE who believed that the way to accomplish what was not accomplished legislatively was to drag their feet.

We discovered that it virtually took threats by this committee to get the Office of Education-and I am not talking about the people directly involved in administering the programs, but the people at the policy level—to proceed. I have a feeling, however, that under the new Commissioner of Education, that attitude if it still exists, will be rooted out, including the people who are responsible for it who, in my opinion, should be given a choice of either administering the program the way we wrote it, or finding a new job.

I don't want to make a speech at this point, but my patience with the people over there who have chosen to ignore and try to restructure the intent of Congress after we spent many hours and weeks—sometimes years—getting to a particular point, has been exhausted and I think that feeling is shared by other members of this committee.

We now have a Commissioner who is accessible and reasonable and who has indicated the willingness to cut whatever red tape is necessary to make these programs do what they were intended to do. He already has demonstrated several times in the short time that he has been here his willingness to "slay the sacred cow", if that is what is necessary, to get it off the road and out of the way of kids getting an education regardless of which program it is.

Mr. YOUNGBLOOD. Thank you, sir.

The next topic I would like to speak to is the relationship of crew leader to the teenage migrant worker. This is similar to the comment that Mr. Conyers shared, that in North Carolina during the summer months crew leaders bring teenage migrants to North Carolina to work on the tobacco crops. Many of these are dropouts from school. Many of them are enrolled in school. But we found that these are the most educationally, economically and socially deprived children in our society. They need the services of the educational program.

Because of the recent ruling of the Office of Education in defining "guardian", the crew leader can no longer serve as a guardian for these children; therefore, they are being deprived of this service, and I am wondering if it was the intent of Congress that these children that come to work in the crops during the summer with the crew leader, if it was the intent of Congress to provide them educational services.

I would like to call it to your attention. You may want to reexamine that to see if the program is being administered according to your intent.

The next item would be full funding for migrant education. Migrant education has had tremendous success in North Carolina.

We are very proud of the accomplishments of this. We think that the program deserves full funding.

Migrant children move often, making it impossible for the local educational agencies to plan adequately for their needs. Some of these children are also eligible for Title I services, but in the Title I program, the regulatr Title I program, the funds are not adequate to meet the total needs of these children. So, naturally, there is a priority list. Children are on waiting lists. Migrant children come in late. They are placed on a waiting list and before they get up to their priority time it is time for them to move; therefore, they are deprived from the regular Title I services. So, therefore, when we can provide programs immediately with migrant funds, then services can be provided for these children.

So I support the full funding for the migrant education program as it has been in the past.

The next comment is relating to the operation of the migrant student record transfer system. It has been our best means of providing program continuity . We are very proud of the accomplishments that hae been made and of the studies that are now underway to upgrade the services in the reading, the math, the management information system.

We think that it is the best means for determining the funding level for our program, so we support the continuation of the Migrant Student Record Transfer System.

Next I would like to speak with you about the support for the formerly migratory children amendment. This has meant a lot to us, to have this to provide the services for a period of five years.

We have found that when you are working with educationally deprived children their deprivation cannot be removed in one year. You need a continuous program that can zero in on their needs that have been assessed and plan programs over an extended period of years to help them be competitive with other childen that are nonmigrants.

So it is necessary to continue with the formerly migratory children and to continue to serve them, if it is five years or six years, and we would like for that to be defined, too, sir, if it could.

The next point I would like to speak to is determination of SEA administrative costs. Under the Elementary and Secondary Education Act, a State educational agency is allowed one percent of the allocation to cover administrative costs. This allocation is not adequate to carry out the administrative requirements mandated in the migrant education regulations.

In the migrant education program the State educational agency has responsibilities which are parallel to those at the local educational agency. Additional requirements are imposed on the State eductional agency for recordkeeping, reporting interstate coordination, interagency coordination and program continuity that require additional funds.

I would like to propose that when the State educational agency submits their annual plan to the Office of Education that they put in there what costs are necessary in order to administer the program and that the Office of Education review these, and if they find that it is reasonable and justifiable, then they would approve it and that amount of funds would be allocated to the State to administer the program.

This is similar to the way in which a State eduction agency reviews and approves expenditures for the local educational agencies to carry out their administrative responsibility.

Next I would like to speak to deletion of the semiannual performance and financial reports.

Mr. Ford. Excuse me for interrupting you.

Are you aware that last Monday, October 3, 1977, the Commissioner of Education issued an order that limited all programs to one annual report until such time as those responsible for the program can prove to him that more than one annual report is required?

We put his announcement in the Congressional Record on October 6 and we will be glad to provide you with a copy.

The issue that you will address next, the Commissioner has already anticipated for you and it may be very difficult to convince him that more than one report encompassing both performance and financial aspects is necessary. You are now talking about four; that is, the annual monitoring visit, the annual performance and financial reports and the annual evaluation report. At the same time, Mr. Boyer believes one, instead of the four you mentioned, is sufficient.

In our conversations with him, he has indicated that he has very strong feelings about relaxing this rule and anybody who wants more reports is going to have a hard time proving that they should have them.

Mr. Youngblood. Thank you, sir. You have summarized that topic for me. I appreciate it.

Mr. Ford. At this point,I have to give the Office of Education credit where credit is due. Once in a while they do get ahead of the world and do the right thing.

Mr. Youngblood. My next topic pertains to paperwork or administrative requirements being imposed on projects. Specifically I'd like to address the deletion of the requirement to submit copies of approved project amendments to the Office of Education.

The State educational agency is required to submit to the Office of Education copies of all local projects, project applications and all local amendments. This is in Section 116d.6. We think that this is a responsibility of State educational agencies when we sign the assurances and we accept the grant to administer the program.

The Office of Education, through this requirement, has no authority to disapprove the project or amendment that we approve at the local, nor to modify it, so we think it is an infringement on the State's rights to operate the program, with the excessive cost and paper work, to submit copies of our projections and amendments to the Office of Education for the operation of our program. So I suggest that we discontinue the requirement to submit local educational agency amendments and projects to the Office of Education.

That completes my testimony.

[The prepared statement of Mr. Youngblood follows:]

MIGRANT EDUCATION TESTIMONY FOR HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION PREPARED BY ROBERT E. YOUNGBLOOD, DIRECTOR OF MIGRANT EDUCATION, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, RALEIGH, N.C., OCTOBER 12, 1977

SUMMARY OF TESTIMONY

The purpose of this testimony is to support the ESEA Title I Migrant Education Program. The North Carolina Department of Public Instruction submits the following testimony in connection with the renewal of this legislation.

(1) That a uniform definition of a migrant be developed which would apply to all federally funded programs for migrants;

(2) That the legislation and regulations spell out in clear detail the total length of time that a migratory child may be served in the migrant education program following the last migratory move of the family;

(3) That minimum requirements for establishing the eligibility of migrant children be clearly stated;

(4) That school officials be authorized to certify the eligibility of the children, including the consent of the parents of formerly migratory children;

(5) That the crew leader be recognized as the guardian of school-age youths who migrate with him;

(6) That full-funding of the migrant education program be continued;

(7) That the Migrant Student Record Transfer System be used as a tool for program continuity and as a basis for program funding;

(8) That formerly migratory children continue to be enrolled in the program;

(9) That the cost of program administration of the State program be an item in the proposed budget to be reviewed and approved by USOE:

(10) That the requirement of semi-annual performance and financial reports be eliminated; and

(11) That the SEAs be relieved of the requirement to submit copies of approved local project applications and local project amendments to the U. S. Office of Education.

UNIFORM DEFINITION OF MIGRANTS

Each program and each organization has its own definition of a migrant. The multitude of definitions makes it difficult to coordinate services and activities among the agencies which have specific responsibilities for serving migrants. In considerating legislation relating to migrants it is recommended that a thorough study of the different definitions established by statutes or regulations be studied, that differences among the definitions be reconciled, and that a common definition, compatible with all programs supported by federal funds, be adopted for all programs, including the migrant education program.

TOTAL NUMBER OF YEARS OF ELIGIBILITY OF CHILDREN TO PARTICIPATE IN THE MIGRANT PROGRAM

The statements of the law and the regulations are not clear on the total number of years that a child may participate in a migrant education program. In defining a formerly migratory child, section 122(a)(3) states, "*with concurrence of his parents, a migratory child of a migratory agricultural worker or migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in an area served by the agency carrying on a program or project under this part.*"

This sentence can be, and has been, interpreted so that in considering the eligibility of a child to participate in a migrant education program the definition of a currently migrant child is applied for one year from the date the child and his family moved so that the child's parent or guardian could find seasonal or temporary employment in agriculture or fishing. After the expiration of one year, the definition of a formerly migratory child is applied for five (5) additional years, making a total of six (6) years that the child might be enrolled in a migrant education project from the date of the last qualifying move by the family.

Another interpretation of this sentence is that after one year as a currently migratory child the definition of a formerly migratory child is applicable for four (4) additional years, making a total of five (5) years that the child was considered to be migratory.

This point of difference in interpretation should be clarified so that it is clearly understood by all program administrators whether the child is eligible to participate in the program for a total of five (5) or six (6) years from the date of his last qualifying move.

MINIMUM REQUIREMENTS FOR ELIGIBILITY CERTIFICATION

HEW and GAO audits and U. S. Office of Education program reviews have consistently found problems in establishing the eligibility of a child to participate in a migrant education program. There is little agreement about what constitutes minimum requirements for eligibility certification. While it is agreed that each state should be responsible for developing forms to be used in its program, it is recognized that there is a need for the basic information relating to statutory requirements to be the same.

Some states have developed forms which are used to collect student information for many program purposes including establishing eligibility of the child to participate in the migrant education program. All states have different requirements relating to pupil information, but there is a need for uniformity in that portion of the information relating to eligibility of the children to enroll in the program. It is therefore recommended that the minimum requirements for establishing eligibility be set forth in a clear and succinct manner, and that they relate directly to statutory requirements and legislative intent so that the several states may use these minimum criteria in the development of their administrative procedures and program forms.

PARENTAL CONSENT FOR FORMERLY MIGRATORY CHILDREN

The migrant program is similar to the regular Title I program in that it provides supplementary educational services to specific categories of children, but it is unlike regular Title I in that it requires a signature of a parent or guardian to document the fact that the student has parental consent for a formerly migratory child to participate in the program (116d.35). Obtaining parents' signatures requires a tremendous amount of time, effort and expenditure of program funds. In the meantime, a child enrolled in the school may be denied the advantages of the program of supplementary services of the migrant project because a person employed by the project is unable to obtain a signature of the parent or guardian, because the parent is out of the home or otherwise not available during any reasonable time that the project personnel might be expected to contact the parent.

In other programs eligible children are enrolled in supplementary educational programs and the school officials have the responsibility of certifying such enrollments based upon the eligibility critera for the program. It is our contention that the migrant program should be no different in this respect from the regular Title I programs, and that the school officials should be given the responsibility of certifying the eligibility of the migrant children to be enrolled in the program, including any verbal consent expressed by the parent or guardian for the child to participate in program activities.

RELATIONSHIP OF CREW LEADER TO TEEN-AGE MIGRANT WORKERS

In North Carolina and many other areas of the United States migrant crew leaders recruit junior and senior high school age youths, many of whom are school dropouts, to work in the harvest of farm crops. These youths do not migrate with their parents, but during the time that they are away from their home base they are under the supervision of their crew leader. These youths involved should be eligible for services under the migrant education program because they meet all the definitions of a migrant child. They move their place of residence to another school district for the purpose of finding employment in agriculture in company with a crew leader who is standing in place of the parent during this time. The intent of the program is not being carried out because of restrictions placed on it in conflict with the definitions of "guardian" contained in 116d.2 (20 USC-2). It is therefore recommended that the interpretation of the laws and regulations governing the migrant program clarify the relationship between a crew leader and a youthful migrant worker who moves with him in search of agricultural employment so that the youth involved will be eligible for service under the migrant education program and may receive benefits from it.

FULL-FUNDING FOR MIGRANT EDUCATION

The present method of determing funding the level of the migrant education program has worked satisfactorily. Any changes in the funding formula which would result in a decrease in funding for the migrant program should be avoided. Migrant children move often, making it impossible for the local educational agencies to plan adequately for their needs. In many cases the movement of the migrant children takes them from an area where they are receiving Title I supplementary services to another where they would be eligible for such service but are unable to receive it because of a number of factors, such as the inability of the school system to serve additional children above the number for whom services had been planned originally or enrollment in a non-project school. It is therefore recommended that full-funding of the migrant program be continued so that migrant children can benefit from the services which it is able to provide.

MSRTS AS A BASIS FOR PROGRAM CONTINUITY AND PROGRAM FUNDING

The potential of the Migrant Student Record Transfer System as an instrument for supporting continuity of educational programs for migratory children should be cultivated and used to the optimum. Program reporting should be developed which will make it easier for classroom teachers and migrant project personnel to build upon past experiences and achievement of the migrant child. Data collected by the System should also be continued as the basis for program funding.

SUPPORT OF FORMERLY MIGRATORY AMENDMENT

The North Carolina Migrant Program takes a strong stand for including formerly migratory children in the migrant education program. Status reports in reading and mathematics achievement have been included in North Carolina's annual evaluation report for several years. These results are based upon standardized test scores obtained from the migrant education projects in the State. Comparing achievement in reading and mathematics with national and state norms and with the scores derived from the regular Title I compensatory education program shows that the migrant child is the most educationally deprived child in the testing sample. Further analysis of test scores point out that the scores used in the status reports are those of students in the regular school term projects which have a high precentage of formerly migratory children enrolled as compared to the number of currently migratory children.

The test scores point out the increasing deficit which this migrant population faces as it continues in school. Our experience shows that it takes a number of years to erase the deficiencies which are brought about by constantly moving from one school to another. It is therefore recommended that the provisions for including formerly migratory students in the supplementary educational programs for migrant children be continued in order to help them eliminate the deficiencies which have occurred because of their previous migratory life style.

DETERMINATION OF SEA ADMINISTRATIVE COSTS

Under the Elementary and Secondary Education Act a State Educational Agency is allowed 1% of the allocation to cover administrative costs. This allocation is not adequate to carry out the administrative requirements mandated in the migrant education regulations.

In the Migrant Education Program the SEA has responsibilities parallel to those of an LEA in addition to those normally carried out at the State level. Additional requirements of the program relating to (1) records, (2) reporting, (3) interagency coordination, (4) interstate cooperation and (5) program continuity tend to increase the amount of funds required for administering the program.

It is therefore recommended that the administrative costs of the program be budgeted in the State plan submitted to the U. S. Office of Education, that the U. S. Office of Education review State application and determine the amount of funds allowable for program administration, and that the approved Application for Program Grant be used as the basis for expending program funds for the administration of the program in each state as indicated in 116d.10.

DELETION OF SEMI-ANNUAL PERFORMANCE AND FINANCIAL REPORTS

Regulation 116d.6(c) and section 100b.432 of the General Education Provisions Act requires the SEA to prepare and submit semi-annual performance and financial reports. These reports serve little purpose in the program and are ineffective in program administration. They require administrative staff time to prepare which could be used more effectively in other areas of administrative responsibilities.

It is the strong belief of the North Carolina Migrant Program that the annual monitoring visit by the U. S. Office of Education, an annual performance and financial report and the annual evaluation report submitted by the State Educational Agency should satisfy all the requirements necessary for effective program operations and administration.

DELETION OF THE REQUIREMENTS TO SUBMIT COPIES OF APPROVED PROJECT AMENDMENTS

The State Educational Agency is required to submit to the U. S. Office of Education copies of all local project applications and local project amendments which have been approved by the SEA (116d.6). It is the position of this office that submitting copies of approved project applications and project amendments is a duplication of effort and an infrigment upon the responsibility of the SEA.

The State Educational Agency is awarded a grant to establish and administer, either direct or indirectly, educational programs and projects for migratory children of migratory agricultural workers and migratory fishermen and to coordinate these programs and projects with similar programs and projects in other states. Where the program is administered indirectly through a local educational agency it is the responsibility of the State Educational Agency to review and approve project activities to be carried out at the local level and to ascertain that such projects and activities are compatible with the state plan as approved by the

U. S. Office of Education. In light of this, it seems to be a duplication of effort to submit to the U. S. Office of Education a project application or a project amendment which has already been approved by the agency which is responsible for administration of the program, including the approval of project application.

The requirements to submit copies of approved project applications to the U. S. Office of Education causes extra expenditures of program funds and personnel time to prepare and transmit them while at the same time producing a volume of paperwork which is of questionable value, which U.S. Office of Education is in no position to give a meaningful review, and which they have no authority to approve, modify or disapprove. It is therefore recommended that the requirement to send copies of approved local project applications and amendments to the U. S. Office of Education be discontinued.

Mr. FORD. Thank you very much.

This is Mr. Winford M. Miller, Director of the Migrant Student Record Transfer System. If there is anybody in the country who doesn't know who this is, I would be very much surprised; everybody knows who Joe Miller is.

STATEMENT OF WINFORD M. MILLER, DIRECTOR, MIGRANT STUDENT RECORD TRANSFER SYSTEM, MSRTS

Mr. MILLER. Mr. Chairman and members of the committee, and guests at the hearing, I am most appreciative and most happy to come before you and be a voice for the migrants of this nation, as I have before. I am most appreciative to speak to you about the migrant school record transfer system, since I believe it to be the most innovative and functional vehicle for the development of continuity in migrant education and other areas of education.

I would ask you to please include my entire text in the record, sir.

It has already been mentioned what we work under as a definition of a "migrant child", that being a migrant child of a migratory agricultural worker or a migratory fisherman who has moved from one school district to another during the past year with parents or guardians who were seeking or acquiring employment in agriculture or fishing activities, including all related food processing activities. This I believe to be the case of all children who have been placed in the migrant student record transfer system.

Why was there a need for MSRTS? As you very well know, back in the early days of the program we who were in migrant education at that time faced a gigantic problem and that was the rapidity with which many children of migratory farm workers moved at that time from school to school, in terms of being able to acquire their health or academic records from the school which they just left. Many people have recognized this to be a problem for many years.

We have recorded efforts to establish a transferral system back as early as 1940; however, not until the passage of 89-750 as an amendment to 89-10 in 1966 was there a unified effort in this country to accumulate and distribute pertinent academic and health data on migratory children.

It became obvious that neither an individual State nor a region of States could, upon self-initiative, make and sustain an adequate system of transferring student data.

There is still a great problem to be resolved in this country. Many school districts that are not actually serving migrant children at the present time face the same problem. This we realized had to be a national effort, so in 1966 Congress demonstrated its recognition of the interstate nature of farm migrancy by mandating in Public Law 89-750, Section 103 (C) (1) (A), that there would be a transferral or transmittal of pertinent information with respect to school records of migratory children.

We moved expeditiously to fulfill your mandate, Mr. Chairman. Following a conference in Arizona in 1968, a committee called the Record Transfer Committee, was organized to develop a system and a document to be used in transferring data from school to school.

At first we started on a manual basis. All work was done physically. However, it was soon discovered we were working in the same mode that had been the case in past years. It became evident that an automated system had to be implemented if we were going to fulfill and meet the needs of the children that we were serving.

The MSRTS was the first massive interstate cooperative effort instituted with Public Law 89-750 funds.

More recently, Public Law 93-380 provided that migrant children of migratory agricultural and migratory fishermen should be deemed to continue to be a migrant child for a period not in excess of five years during which he resides in the area served by the agency carrying on the project.

This expansion provides some 15,000 schools and thousands of users of the system a cohesive structure within which they may cooperatively devise and implement programs of education and health care for some 520,105 migrant students as of September 21, 1977.

The system became a defined concept in 1968, a project in 1969, an operational instrument in 1970, and a national reality in 1971.

As a concept, this system is unprecedented. As a working success it is unprecedented. It interacts with thousands of people as users of the system. It shapes and is shaped by that same environment. It assists administrators, counselors, aides, clerks, teachers, nurses and medical doctors in new dimensions of migrant education and hence it helps them uncover new informational needs to support the decision-making processes so necessary to those new dimensions.

These discoveries, in turn, require the system to be responsibly responsive to its users and to ensure that the newly emerging needs are met.

There are three basic components in MSRTS—the school, the teletypewriter and the computer. The school initiates all information that goes into students' academic and health records, and the school requests certain actions to be performed on a student's record, such as enrollment data, skills attained or mastered, health problems such as chronic and urgent conditions, inoculations, withdrawal date, date of graduation and date of death.

The school may also request that a student's record be terminated.

The computer accepts data and requests from the terminal, then processes, stores and disseminates information according to these requests.

We offer rapid turn-around service to the schools. This rapid service reduces the loss of time in planning health and academic programs for migrant children.

Two basic reports are provided a school upon the enrollment of a migrant student.

The first report is returned to the terminal that serves the requesting school in a matter of a few hours. This report is called the Critical Data Report, which contains the following information from previous schools of enrollment: one, student identification; two, grade level; three, skills attained; four, chronic conditions; five, inoculations; six, reading ability ratings; and, seven, math concepts ratings.

The Critical Data responses, both health and academic, are sent by mail to the enrolling school.

We have documented evidence that this quick turn-around can be done in a short period of time, since we have a postal card survey that is conducted periodically on all records mailed on any given day.

When a transaction comes in to the system, a record is printed that night and mailed the next day, so rapid and quick turn-around is accessible by any enrolling child.

The students heretofore were most likely gone before any record ever arrived, but MSRTS is changing that attitude by providing pertinent data on a rapid basis.

As recently as three years ago the MSRTS staff heard very little concern being expressed by the States for any accommodations in MSRTS for high school credit. Now it has become very important for MSRTS to serve the total migrant population from early childhood to postsecondary. Too, it has been noted that a large number of identified students in the data base have reached the age and are presently participating in high school courses. In fact, there are approximately 113,376 such children. This was almost unheard of just five short years ago.

This past February, 1976, until September 20th of this year, we graduated through that system 5,242 students. We do believe that migrant education, the migrant student record transfer system being a part of migrant education, is helping to graduate and does have holding power for these children.

In addition to the speed capability of MSRTS, another important feature is flexibility for change. The records have undergone several changes since the inception to assure maximum data utilization at the school level. The records are presently undergoing some changes, as dictated by the work of those committees which you have just recently heard. Records have invaluable data. The changes being implemented will allow teachers to establish a complete profile on these students in the academic areas of math, reading, early childhood and oral language skills.

The MSRTS, as you very well know, is being operated by the State Education Department in Arkansas under the direction of the State Director and the U.S. Office of Education. Good programming, planning and management practices dictate that directors and U.S. OE personnel have a thorough undersanding of reports produced by MSRTS. To this end, MSRTS provides summary data on a monthly, quarterly and yearly basis to the State directors of migrant education and the U.S. Office of Education.

The data which Mr. Rivera spoke to a moment ago has been taken from those reports.

What are some of the benefits other than reports and pertinent data that I have just spoken of? There are a number of things that we take pride in, and we refer to this as immediate and proper placement and care of the child. It also encourages more attention to be given to program development. It also encourages positive attitudinal changes toward problems and needs of migrant children. It also provides one agency responsible for accumulation, storage and dissemination of this pertinent data. It also provides data for establishing empirical methods of distributing funds, as has alrady been spoken of.

What are the safeguards in MSRTS? I think it is very appropriate that we make mention of the safeguard that was first attacked in 1968. We today take pride in safeguarding information put into the MSRTS system. No personally identifiable data are ever released to anyone other than the school where the child is enrolled. A copy of both the health and the academic record is to be given to the student, if possible, to be checked for accuracy upon his leaving school or upon his enrolling at the other school.

The designers of this automated system were very mindful to design and develop a total system that would assure privacy of the migrant students' data.

The system as it was designed has met all standards as established by the U.S. Senate Subcommittee on Constitutional Rights chaired by Senator Sam Ervin of North Carolina. It has been established by the Office of Privacy that this system is not a Federal system of records, however.

I would also like to mention the potential that MSRTS has for providing detailed data to school personnel and also to management functions that I have previously spoken of.

Presently, through P.L. 93-380, the Commissioner of Education is using statistics made available by the Migrant Student Record Transfer System. Through the use of statistics that are made available by the MSRTS, the States are encouraged to recruit and identify the eligible migrant children as quickly as possible, which enables their State to accumulate the much needed funds to serve migrant children. These funds placed in the State where the children are provide State directors and State educational departments the means by which to attack the great problems that face migrant children.

Mr. Rivera has also referred to the FTE data that are given to each State, one FTE being 365 days, but I must say to you that not one child gets 365 days in any given State unless he is a five-year migrant, and in some cases this is not even the case because he is either withdrawn, either graduates or many other things; he has asked to be taken out of the system or he becomes 18 years of age or older.

So, therefore, there are very few children in the system that receive a full 365 days, or one FTE, but it usually takes approximately two children to make that one FTE.

It becomes readily apparent that increases in schools and students with no increases in allocations or an apparent reduction in funds will create a dilemma in migrant program operations. With a continuous increase in student enrollments, any reduction in funds would geometrically dilute available per pupil funds.

It was also anticipated that student enrollment would level off by the end of 1972, and Mr. Perkins asked a question a moment ago that I would like to address. The monthly rate of growth up to that time, 1972, was approximately 9,600. After P.L. 93-380 was put into effect, the system has grown to 519,363 up to September, 1977.

Mr. FORD. Would you stop there?

Mr. MILLER. Yes, sir.

Mr. FORD. I saw that chart and you just raised a good point.

Are we talking about number of children or are we talking about a figure that can be multiplied by some factor to determine the cost?

Mr. MILLER. We are talking about number of children, Mr. Chairman.

Mr. FORD. So presumably we are talking about half that many full time equivalent students?

Mr. MILLER. Yes, sir; that is right. If you will notice, if you will turn to Attachment A, from 1976 up to the present time this has leveled off, and in all probability I do not foresee a sizable growth in the program in relation to the number of children that are being recruited because with our holding power that we do have in the system, 113,000 being in high school, we are going to graduate about as many children as we recruit and get into the system.

Mr. FORD. But earlier in your statement you indicate that based on present projections we could be talking about 750,000 children. What I wanted to get clear is that your chart talks about children and not full time equivalent students?

Mr. MILLER. Yes, sir.

Mr. FORD. I can see several figures floating around here and we don't want anybody citing with the wrong figures.

Mr. MILLER. That is exactly right. This is children. So the growth has leveled off and I think will continue to level off. It is most important that schools that serve migrant children and that have a special school program for migrant children have the necessary funds to provide the necessary services for these children.

I would make, Mr. Chairman, five recommendations that I think are most crucial to any new legislation:

One, I recommend that the migrant student needs in reading, math, oral language, early childhood and career education be explicitly defined in terms of skill lists developed by migrant education State directors and that these needs receive priority attention.

Two, I further recommend that any reference to coordination of programs should be clearly spelled out and say that any and all programs will be coordinated where feasible through the Migrant Student Record Transfer System. There is a strong need to change the wordings in the future to say not only part B of Title III but that coordination will take place where all migrtants are being served.

Three, I further recommend that preschool and early childhood needs be met of migrant children from the ages of three years upward. There are numerous data resulting from the migrant program to support this recommendation.

Four, I further recommend that the word "area" for serving of migrant children be clarified and defined as to the "State", since it is a State-operated program. There are othes who believe differently.

Five, I further recommend, and which I believe to be the most important one for the planning and for the Office of Education and for the State directors, that any future language relative to the use of statistics of the MSRTS by the Commissioner should be changed to say that the Commissioner shall use the statistics and other available data of the MSRTS to make allocations to the States and also make determination as to the needs of migrant children nationally, since there is an abundance and wealth of information in the system that should be used for that purpose.

I thank you.

[Prepared statement of Mr. Miller follows:]

MIGRANT STUDENT RECORD TRANSFER SYSTEM

A TESTIMONY GIVEN TO

THE HOUSE LABOR AND EDUCATION COMMITTEE

CHAIRED BY CONGRESSMAN CARL D. PERKINS

by

Winford M. Miller
MSRTS Director

October 12, 1977

DEFINITION OF A MIGRANT CHILD

Migratory children of migratory agricultural workers or migratory fishermen who have moved from one school district to another during the past year with parents or guardians who were seeking or acquiring employment in agriculture or fishing activities including all related food processing activities.

NEED FOR PROGRAM

The rapidity with which many children of migratory farm workers or migratory fishermen move during school terms has been accompanied by the problem of many schools receiving health and academic records after the children had already moved on, thus ineffectuating the usefulness of the data.

Many persons have recognized this problem for many years. Recorded efforts to establish a record transferal system date back to the 1940's. However, not until the passage of 89-750 as an amendment to 89-10 in 1966 was there a unified effort in this country to accumulate and distribute pertinent academic and health data on migratory children. It became obvious that neither an individual state nor a region of states could, upon self-initiative, make and sustain an adequate system of transferring student data. It had to be a NATIONAL effort. In 1966 Congress demonstrated its recognition of the interstate nature of farm migrancy by mandating in P.L. 89-750 Section 103 (C) (1) (A):

> "that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers, and to coordinate these programs and projects with similar programs and projects in other states, including the transmittal of pertinent information with respect to school records of such children."

The states moved expeditiously to fulfill your mandate. Following a conference of states in Phoenix, Arizona in February, 1968, a committee called the Record Transfer Committee was organized to develop a system and a document to be used in transferring data from school to school. The first effort was on a manual basis--all work was done physically. However, it was soon discovered that a system had to be automated if a student's academic and health records were to be received by the schools. This automated system has now been in operation for a total of seven years fulfilling the requirement and meeting its objective in transmitting student's academic and health data.

MIGRANT STUDENT RECORD TRANSFER SYSTEM-GENERAL

The MSRTS was the first massive interstate cooperative effort instituted with P.L. 89-750 funds. More recently P.L. 93-380 provided that migrant children of migratory agriculture and migratory fishermen should be deemed to continue to be a migrant child for a period not in excess of five-years during which he resides in the area served by the agency carrying on a project. This expansion provides some 15,000 schools and thousands of users of the System a cohesive structure within which they may cooperatively devise and implement programs of education and health care for some 520,105 migrant students as of September 21, 1977. The System became a defined concept in 1968, a project in 1969, an operational instrument in 1970, and a national reality in 1971. As a concept, this system is unprecedented; as a working success, it is unprecedented.

The MSRTS interacts with its nationwide educational and health services environment in a healthy manner; for, it both shapes and in turn is shaped by that environment. The System assists administrators, counselors, aides, clerks, teachers, nurses, and medical doctors in a new dimension of migrant education--and hence, it helps them uncover new informational needs to support the decision making processes so necessary to the new dimension. These discoveries in turn require the System to be responsibly responsive to its users and insure that the newly emerging needs are met.

There are three basic communication elements in MSRTS: (1) the school, (2) the teletypewriter terminal, and (3) the computer. The school initiates all information that goes into the student's academic and health records and the school requests certain actions to be performed on a student's record such as enrollment date, skills attained or mastered, health problems such as chronic and urgent conditions, inoculations, withdrawal date, date of graduation, and date of death. The school may also request that a student's record be terminated. The computer accepts data and requests from the terminal then processes, stores, and disseminates information according to these requests.

MSRTS offers rapid turn around service to schools. This rapid service reduces the loss of time in planning health and academic programs for migrant children. Two basic reports are provided a school upon the enrollment of a migrant student.

The first report is returned to the terminal that serves the requesting school in a matter of a few hours. This report is called the

Critical Data Report which contains the following information from previous schools of enrollment: (1) student identification, (2) grade level, (3) skills attained, (4) chronic conditions, (5) inoculations, (6) reading ability ratings, and (7) math concepts ratings.

The Critical Data responses are sent immediately to the terminals that serve the requesting school(s) so it is possible for the schools to have the benefit of the Critical Data within a few hours of enrollment on a given student. This reduces very significantly the evaluation time required prior to program planning.

On the day following the receipt of a request against a student's data base record, up-to-date migrant student health and academic records are mailed to the school that initiated the action. This allows the responsible school and student to check the validity of the actual update on each record. The cumulative record generally arrives at the requesting school within two to three days. A postal card survey is conducted periodically on all records mailed on a given day, and it has been found that in most cases, the Transfer Records and Medical Records were delivered at their destinations on the second and third days of the postmark and in a few cases, the first day.

This reduction in time in the transferal of student data from school to school adds numerous days to the productivity of each migrant student. Heretofore, the time lapse between a school requesting and receiving a student record from a previous school was several weeks, and in most cases, was never received. This means the record was never available for the teacher when the child enrolled in his new school. This tended to create a "why should I try" attitude among school people. Knowing the student would, in many cases, be in a given school for only a few days or a few weeks at the most, it was easy to rationalize "there's no use in requesting a record. The student will most likely be gone before it arrives, so I'll let him bide his time with some activity (maybe crayons and paper) while he is here."

MSRTS is changing that attitude by providing pertinent data on a rapid basis which in turn results in more attention being given by the professional school staff to health and educational program development. Better programs and more attention given to the students' needs will tend to develop more holding power for schools. The greater the holding power, the better the education of participating migrant children.

As recently as three years ago, the MSRTS staff heard very little concern expressed by the states for any accommodation in MSRTS for high school credit. Now it has become important for MSRTS to serve the total migrant population from early childhood to post-secondary. Too, it has been noted that a large number of our students in the data base have reached the age and are presently participating in high school courses. It is believed that this represents a significant short-term increase in the number of high school aged students staying in school. With the Credit Accrual Section of the Transfer Record, the System has seen 5,242 students graduate from high school. This number represents the time period of February, 1976 until September 20, 1977. We can no longer look at the migrant program as an elementary school age program.

In addition to the speed capability of MSRTS, another important feature is flexibility for change. The records have undergone several changes since the inception to assure maximum data utilization at the school level. The records are presently undergoing some changes as dictated by those who work directly with the migrant children in the country. The changes being implemented will allow teachers to establish a complete profile on these children in the academic areas of math, reading, early childhood, and oral language skills.

The Transfer and Medical Records presently contain the following kinds of data:

1. Student identifying
2. Parent
3. School history
4. Testing
5. Academic program
6. Special interests and abilities
7. Health which includes screening exams for physical, dental, visual, auditory, and TB; treatment record, urgent conditions, inoculations, and chronic conditions.

The MSRTS is operated by the Arkansas Department of Education under the direction of Mr. Winford Miller. The System is financed through a cost reimbursable contract between the U.S. Office of Education and the Arkansas Department of Education. The System is financed with Migrant Program funds disbursed from the U.S. Office of Education.

SERVICES OF MSRTS

The Arkansas Department of Education serves as the central headquarters of MSRTS. From the offices located in Little Rock, Arkansas, the MSRTS staff performs the following services:

1. Yearly contract proposal development, negotiation, and execution.

2. On-site visits to terminals to give needed assistance.
3. Daily monitoring of all terminals for volume and efficiency control.
4. Provides all data processing services.
5. Provides blank and printed student Transfer and Medical Records forms.
6. Mailing of student Transfer and Medical Records.
7. Provides a recommended total system operation.
8. Develops and provides training materials for states.
9. Develops and provides operational manuals for terminal operators and school users.
10. Provides monthly Central Depository activity reports to USOE and the states.
11. Provides training for all terminal operators and back-up terminal operators and other state personnel.
12. Works with USOE and state agencies on operational development problems related to MSRTS.
13. In-service training for MSRTS staff.
14. Monitors users' needs and modifies System accordingly with USOE approval.
15. Reports
    a. T.O. Evaluation Report
    b. Periodic Enrollment Validation Report (PEVR)
    c. Inter/Intra-state Student Enrollment Monitoring System (ISEMS)
    d. Grade/Age
    e. FTE/Enrollment Summary Report
    f. Migrant Program Allocation System (MPAS)
    g. Activity Summary Report

h. Enrollment Patterns

i. Deceased Student Report

j. Error Message Summary Report

k. Test Data Summary

l. Special Programs Summary.

MSRTS REPORTING SERVICES

Good programming, planning, and management practices dictate that directors and the U.S. Office personnel have a thorough understanding of reports produced by MSRTS. To this end, MSRTS provides summary data on a monthly, quarterly, and yearly basis to the state directors of migrant education and the U.S. Office of Education. The following is a list of items included in the Activity Summary Report for a given period:

1. Cumulative enrollments to date
2. Number enrollments
3. Unique enrollments
4. Number withdrawals
5. Unique withdrawals
6. Number days enrolled
7. Number days present
8. Percentage of attendance
9. Number of termination
10. Peak enrollments this period
11. Minimum enrollments this period
12. Number interstate moves
13. Number intrastate moves

14. Minimum health services

    a. Initial history

    b. Physical exam

    c. Height and weight (annually)

    d. Blood pressure

    e. HB/HCT

    f. Urinalysis

    g. TBC

    h. Immunization

    i. Triv polio (oral)

    j. Measles

    k. Rubella

    l. Mumps

    m. Dental

    n. Vision

    o. Audiometric screening

    p. Speech

    q. Color blindness

    r. Blood lead

    s. Pesticide blood level

    t. Flouride screening

    u. Typhoid and parathyphoid

    v. Smallpox

    w. Polio (inoculation)

    x. Influenza

    y. SCA (0401)

15. Number tested

16. Number abnormalities
17. Percentage of abnormalities
18. Number urgent conditions reported
19. Total number students tested
20. Number of students tested by test name code
21. Special programs identified
22. Special interests identified
23. Academic status.

This information is compiled on the following levels provided the state identification number includes all these levels:

1. State
2. County
3. Region
4. Congressional district
5. School district
6. School plant.

A national summary is compiled on the same frequencies for the U.S. Office of Education.

In addition to the statistical reports mentioned above, MSRTS gives a report monthly to the state directors of migrant education concerning the volume and proficiency of each terminal operator in his state.

SOME BENEFITS OF MSRTS

The following is offered as a partial list of benefits derivable from the information and services provided to the states by MSRTS.

1. Rapid transmittal of pertinent general, health, and academic student data for rapid programming for students.

2. Information for placement and care of children:
   - a. School attendance patterns
   - b. Parent/guardian relationship to student
   - c. Kinds of health screening exam(s) administered
   - d. Health screening findings and subsequent treatments (if any)
   - e. Urgent health conditions
   - f. Status of treatment procedures
   - g. Inoculations administered and needed
   - h. Students' chronic and health conditions
   - i. Standardized test(s) administered, date(s), and score(s)
   - j. Special educational programs of student involvement encourages program continuity.
3. Encouragement for more attention to program development.
4. Encourages positive attitudinal changes toward problems and needs of migrant children.
5. One agency responsible for accumulation, storage, and dissemination of pertinent data on migratory children.
6. Provides data for establishing an empirical method of distributing funds to states for student programs and services.
7. Provides a vehicle for interstate cooperation and continuity in the education of migrant children.
8. Provide statistics to USOE and the states for program planning and budgeting and for better understanding of the nature of migrants.

MSRTS SAFEGUARDS

It is appropriate that we mention the safeguards which have been in existence since the beginning of the System. Personal identifiable data is never released to anyone other than the school where the child is enrolled. A copy of both the health and academic record is to be given to the student if possible to be checked for accuracy. The designers of the automated Migrant Student Record Transfer System were very mindful to design and develop a total system that would assure privacy of migrant students' data. The System, as it was designed, has met all standards as established by the U.S. Senate Subcommittee on Constitutional Rights chaired by Senator Sam Erwin of North Carolina. It has been established by the Office of Privacy that this System is not a federal system of records.

MSRTS POTENTIAL

It is my understanding that our national population is 1/3 mobile annually. This means there is a need for such a system to serve all other mobile populations that move from school to school. The MSRTS has the potential to expand to serve any part or all of this record transferal requirement.

Also, its potential for providing detailed data for school personnel and in providing management data for state and federal governments will be limited only by our imaginations, cooperation of the states, and availability of operational funds. A functional System now exists and the states are now making progress in utilizing the System. We believe the federal government cannot renege on its commitment to the most deserving and disadvantaged group of children in this nation. The support of Congress for the continuation of this vital effort is urgently and sincerely solicited. The greatest immediate potential of the MSRTS is in the skill information applications under development.

These skill information systems will provide the capabilities of:

1. Making possible, for the first time, continuous and effective programs in reading and math for individual migrant students.
2. A readily usable source of data for unbiased evaluation and accountability of reading and math programs at the local, state, and national levels.
3. An economical and comprehensive source of needs assessment data in reading and math.

FUNDING FOR MIGRANT EDUCATION PROGRAMS

Funding for the educational programs for migrant children has been a part of the total Elementary and Secondary Education Allocation which is made up of the Local Education Agency (LEA) programs and the State Education Agency (SEA) programs. The SEA programs consist of Migrant, Neglected and Delinguent, Handicapped, and Indian. Distribution of the ESEA-I funds has been made on a formula basis with the priority that all SEA programs would be funded at full entitlement.

The formula for the migrant program according to P.L. 89-750 Section 103 was 1/2 the national per pupil expenditure or 1/2 the state per pupil expenditure whichever is greater multiplied by the U.S. Commissioner's estimate of migrant children residing in the states full time and the full time equivalent of those residing part time in the states. P.L. 93-380 changed the funding as described under Section 122 (b).

PRESENTLY USED FORMULA FACTORS

Presently, through P.L. 93-380, the Commissioner of Education is using statistics made available by the Migrant Student Record Transfer System. Through the use of statistics that are made available by the Migrant Student Record Transfer System, the states are encouraged to recruit and identify the eligible migrant children as quickly as possible which enables their state to accumulate the much needed funds to serve migrant children. The Migrant Student Record Transfer System runs a data processing program at the end of each calendar year that provides the total F.T.E. for each state. This places the funds in the state where children are being served and leaves no doubt concerning which children have been identified as migrants. One F.T.E. equals 365 days. Usually on the average it takes two children to accumulate one F.T.E. These statistics are then made available to the U.S. Office of Education at which time they are calculated and grants are made to each individual state.

It becomes readily apparent that increases in schools and students with no increase in allocations or an apparent reduction in funds will create a dilemma in migrant program operations. With a continuous increase in student enrollments, any reduction in funds would geometrically dilute available per pupil funds. It was anticipated that student enrollment would level off by the end of FY72. The monthly rate of growth up to that time was an average of 9,600. However, after P.L. 93-380 was put into effect, the System has grown to 519,363 in September, 1977. If this rate of growth continues in the future, we will in all probability, be serving 750,000 migrant children. Reference Attachment A for graph that reflects the growth rate.

It is most important that other schools and all migrant children be included in special school programs but it is a fact of life that services can be so limited for each student that little, if any, positive behavioral changes occur.

RECOMMENDATIONS

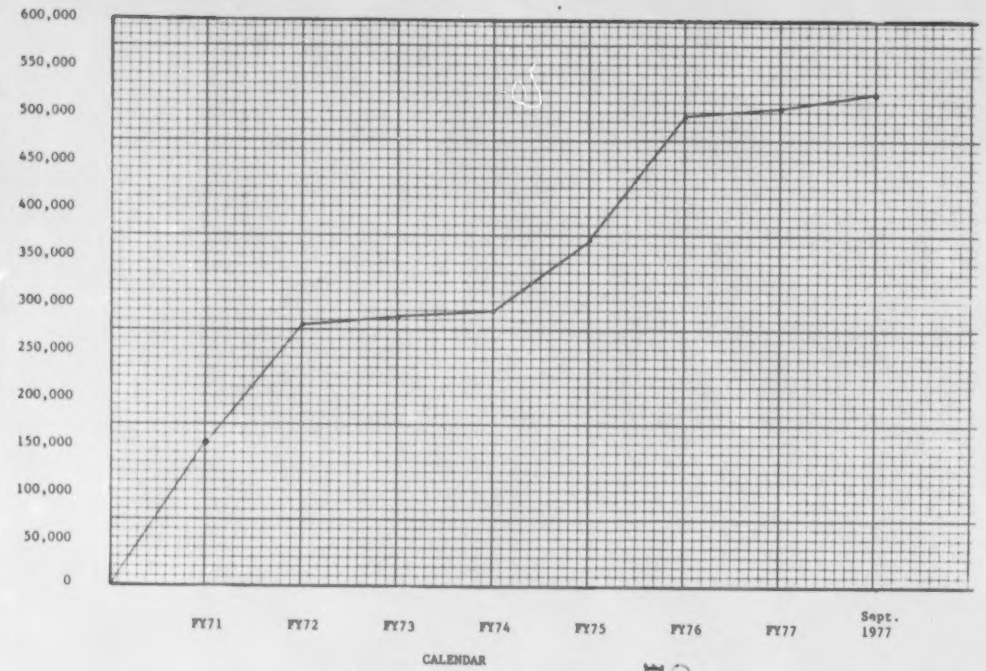
1. Migrant student needs in reading, math, oral language, early childhood, and career education be explicitly defined in terms of skill lists developed by the migrant education state directors, and that these needs receive priority attention.
2. I further recommend that any reference to coordination of programs should be clearly spelled out and say that any and all programs will be coordinated where feasible through the Migrant Student Record Transfer System. There is a strong need to change the wordings in the future to say not only part B of title III, but that coordination will take place where all migrants are being served.
3. I further recommend that pre-school and early childhood needs be met of migrant children from the ages of three years upward. There are numerous data resulting from the migrant program to support this recommendation.
4. I further recommend that the word area for serving of migrant children be clarified and defined as to the "state" since it is a state operated program. There are others who believe differently.
5. I further recommend that any future language relative to the use of statistics of the Migrant Student Record Transfer System

by the Commissioner should be changed to say that the Commissioner shall use the statistics and other available data of the Migrant Student Record Transfer System to make allocations to the states and also make determination as to the needs of migrant children nationally.

Attachment A

MSRTS ENROLLMENTS

By Year FY71-77



Mr. **Ford**. Thank you very much.

(Brief recess.)

Mr. **Ford**. We now have Senator Perry from the State of New York. He is appearing as a member of and spokesman for the Education Commission of the States, Interstate Migrant Education Task Force.

Senator, would you like to proceed.

STATEMENT OF HON. JOHN PERRY, NEW YORK STATE SENATOR

Mr. **Perry**. My name is John Perry. I am a New York State Senator from the City of Rochester, upstate New York, and I also represent some four suburban towns outside the City of Rochester. I am a former high school teacher and college teacher; Penfield High School and Rochester Institute of Technology, primarily in the field of economics. I am now a member of the New York State Senate and a member of the Education Committee of the New York State Senate.

But saying all that, I would consider in discussing migrant education I would have to be considered a layman, Mr. Chairman. I am here to represent the task force as to migrant education. The remarks in the record are a consensus statement developed over the last year and a half by the task force. I want to thank you for permitting us to be here and for the opportunity to present testimony on behalf of migrant agricultural workers, migrant fishermen and their children.

This project originated in 1976 and is composed of eight state departments of education—Arizona, Arkansas, California, Florida, Michigan, New York, Texas and Washington—using Title I migrant education funds to explore critical issues and to develop recommendations and policies that meet the educational needs of migrant children. The project is a milestone because several states have entered into an interstate agreement to jointly bring about increased interstate cooperation.

We feel that the Title I legislation has been very positive in addressing itself to the national nature of the mobile or migrant constituency that it was designed to serve; but, as the program has evolved and matured, we find that we have identified areas that may need to be revised, removed or replaced with new approaches or methods to fully carry out the intent of the law.

The ECS Interstate Migrant Education Task Force submits the following items for your consideration, not in the order of priority, but as items or areas that need to be further discussed in the process of the reauthorization of the migrant education program under Title I of the Elementary and Secondary Education Act (ESEA) (Public Law 89-10, as amended under Public Law 93-380).

What I am submitting to you and the committee are—Joe, you had five recommendations and I have nine.

I will talk about each one of these. I will try to refer to them and then come back to some order.

I would like to say this, though. The Task Force was first organized in August of '76. The last meeting was Seattle, Washington, the past weekend. I would say, we are half way through our project. Some of the recommendations are rather specific; others rather general. I would hope the committee would later on accept as our Task Force goes through its efforts, that you would accept additional recommendations from us or more specific recommendations.

The first recommendation is that we would hope migrant education legislation should remain as part of Title I. The present manner of funding state-operated programs more adequately addresses the fiscal needs of the program. The program dollars follow the child for more direct services.

2. We recommend the continuation of the funding, as presently written in the law, of children ages 5-17, including the 5-year "settled out" migrants.

3. We further recommend the funding of children, as identified and entered in the Migrant Student Record Transfer System (MSRTS) at the 0-5 lower age level and at the 18-21 upper age level, so that subsequently children 0-21, including the 5-year "settled out" children, will be provided better education access.

Presently, the program encompasses and serves the 5-17 age range, but various circumstances—primarily those of economics, with older children needing to contribute to the total income of the family and the interruption of the continuity of the education of the mobile migrant child—hinder the students in attaining or attending higher levels of education above the 8th grade.

Encompassing and providing the additional funds for serving the lower age levels of 0-5 will provide early childhood services that will promote better educational experiences and readiness for entry into school, resulting in more positive learning experiences and retention at the 8th grade level of the migrant child.

The funding of the 18-21 age level, with the utilization of innovative approaches for reaching and retaining this age group, such as the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP), will further provide educational opportunity for migrant students that will result in alternative choices for their life's work in other than migrant labor.

Essentially, what we are saying is that funds are coming in for age 5 through 17 but because of the particular nature of the migrant child, they don't get all we would like to have them get in a total educational picture. We are losing a few. As will be noticed here the drop-out rate is higher than for children in a normal situation. We need to catch those at some point possibly beyond the age 17. At the same time we believe by providing greater amounts of money for the child and the program we may reduce the drop-out rate.

We would like to catch right now the ones we have missed and at the same time develop programs for the child between 0 and 5.

In line with those recommendations, Recommendation No. 4 recommends we look at certain types of incentive grants. These grants would generate and engender special approaches for providing in-depth needs of the two groups I just alluded to, 0 through 5 and 18 through 21, such as incentive grants being presently used to meet the special needs of handicapped children.

Recommendation No. 5. Special emphasis has to be placed on serving migrant drop-outs. The first step has to be in the prevention of the drop-out. The above recommendations could be the first step toward this prevention. Retention and the continuity of the migrant child's education are the crucial steps toward preventing his or her dropping out of school.

There are some statistics here which any person would intuitively know the in-school level of migrants is 5.3 as to non-migrant and the drop-out rate at the 9th grade is considerably higher and at the 12th grade even greater than that for the non-migrant child.

Once again, the problems of the 0 through 5 and day care type of expenditures, our Recommendation No. 6. The present funding is often expended before serving all the priority categories. Very often, particularly in the larger sending and receiving states, the impaction of "currently migratory children" is so great that "formerly migratory children" or "day care" children cannot be adequately and properly served because there is not enough funding to cover all the eligible children.

I am sure any one of the directors here could give you a statistical breakdown on how much they receive and how little they have left over.

From Recommendation No. 6, I would like to refer to No. 10 which is more in order than as stated in the testimony. The Title I migrant program has been very successful in carrying out early childhood education, even though children served do not presently generate any funds. As an example of the number of children served, we have asked the Migrant Student Record Transfer System for the following figures for the ECS project member states.

Listed there are various states and the number of children—being a teacher, I always say kids, I am sorry—but the total number is 28,846. In the programs where the moneys have been expended, programs for the preschool children have been successful. What the Task Force on Migrant Education is urging is that these children should get equal priority with the children between ages 5 and 17.

I would like to go back to Recommendation No. 7. Recommendation No. 7 and a couple of the other recommendations refer to the need for coordination and cooperation.

On an interstate basis and on an interagency basis, I must say that this is the area that the people on the national Task Force on Migrant Education take as top priority to utilize the funds that we now have in a better manner, or in the best possible manner—let's put it this way—and see various areas in the relationship between States, between States and the Federal Government, among agencies of the Federal Government and among agencies within States where there should be more cooperation and coordination.

Our final recommendations along this line have not been developed yet but this is our major finding and I am sure that we will have before you sometime in the near future some very specific recommendfations.

So, Recommendation No. 7, interstate and interagency coordination must be emphasized. The national task force, the ECS Task Force project, is an effort toward inceased interstate cooperation.

As it has developed and evolved, we have found that the national nature of the mobile migrant demands greater interstate cooperation. The present project States, as well as other States that have formed similar coordinating groups, such as—and they are listed—some other groups, need to be helped in their efforts to promote interstate coordination at all levels, on the Federal, on the regional, in the East and the Midwest, and the Midwest streams, and on the State and local level.

Federal rules and regulations must be supportive of these tasks by facilitating and expediting these efforts by lessening "red tape"—we want red tape lessened here just like in other aspects of government—and paperwork. Technical assistance in the formation of such groups should also be provided. Model formats or procedures should be formulated in order to provide a guide or guidance toward the development of such coordination groups.

This would result in improved cooperation among State education agencies in the administration, planning, implementation, staffing, monitoring and evaluation of the Title I—migrant program—of the Federal Elementary and Secondary Education Act.

In relationship to our proposals for coordination, our Recommendation No. 8, the above emphasis of Recommendation 7 on interstate and interagency coordination should be included in the intent section of this legislation when it is reauthorized. These are key elements that must be applied to this program in order to fully carry out the intent of the legislation.

And from there, not to confuse you, I would just jump to Recommendation No. 11. It is the Education Commission's task force recommendation.

We would like to request of this committee that it request of the Assistant Secretary of Education, Dr. Mary F. Berry, the chairperson of the Federal Interagency Committee on Education, FICE, a report on the overall role of the Federal Government on migrant education.

As I understand it, that is an extant group and we would encourage this committee to get that group involved in trying to coordinate all of the various agencies.

Recommendation No. 9, Mr. Chairman, on page 3, when I really look at it, I don't know if it is a recommendation. It is really a justification for the migrant program and I won't read through all the words of those three paragraphs.

I would summarize that recommendation in my own words and say that the migrant education programs of all of the States are really trying to provide a fair shake for the population of migrants who have unique educational characteristics. In a sense, what those three paragraphs are saying is that these people have a right to a minimum standard of quality education just as any other person who attends school on a nine-month basis.

That is the end of my formal testimony, Mr. Chairman, and that is the presentation of the task force testimony.

I would just like to have the opportunity to make some personal comments, if I may.

One of the things that I have understood from just talking to people involved in migrant education and politicians, elected officials, at both the Federal and the State level, is that there does not seem to be a political constituency for the migrant.

Let me just give you some of my experiences, to say that I don't think that is true if the case is presented in the right way.

I have taught economics courses and I used to teach a unit in economics known as Income Distribution, and essentially what I would ask the student to do is to analyze various aspects of problems in America and the incomes that they receive, why they receive them and what might be corrective action from a govenmental level or a social level.

In looking at all of the various groups in America that face poverty problems, in a sense, what I found in middle-class suburbs among students is that they have greater empathy toward the migrant than any other person; and I think that might develop because of the tradition, the work ethic tradition, in America.

The question that is always raised by the middle-class student is, How is it possible for a person such as a migrant to work so hard and end up with so little? If that happens, there must be something wrong with the system. So I would say, also with the tradition in America of public education we have a very large constituency and what we must do is to be able to get our message across to that constituency, and I think that would have very significant support, and I would hope that my appearing here representing a district in New York, as I said at the beginning, that has no migrants living in it at any time, would help to further that cause.

The second personal comment I would like to make is my impressions of the National Task Force on Migrant Education. I am very impressed with it. This is a diversified group of people throughout the United States who have come together to, in a sense, learn about a problem and to attempt to solve that problem.

I think we now consider ourselves advocates or lobbyists on a nationwide basis for migrant and migrant programs, and we will be at your service in the future on any of the recommendations and any of our intelligence or anything we have developed.

The third personal comment that I would like to make is that from my understanding of what is going on in migrant education, there can be some important spinoffs in urban education. I understand that there are schools in New York City, and probably in other larger urban areas similar to New York City, that have 100, 125, 150 percent turnover a year. I don't see how you could operate a school like that with that type of flow of students from one neighborhood to another, all within the City of New York, but these are "migrants" and some of the things that are being done by the migrant directors through the development of basic skills in math and in reading and the relationship of those skills to all of the textbooks in the nation to the computer system in Little Rock, it seems to me that there is a model that can be establishd and used for the City of New York and other major urban areas.

So we are not just dealing with migrant education. I think these people are developing some important projects that are going to affect all education.

I would just conclude by saying this: When we were at our last meeting in Seattle, Governor Castro, who is the former chairman of this task force, related to us in his conversations with a mother of some migrants that two of her children had graduated from high school. Two of her children had graduated from high school. As an educator and as a citizen of this nation, that makes me proud to know that the expenditure of these funds and the efforts of the people involved in migrant education have really counted, and I know that Joe could come up with many more statistics than those two, but that was a real experience.

There was the mother, and she had two kids who had graduated from high school under very difficult circumstances, not like getting up every day and getting on the big yellow bus and being taken back and forth for nine months. I think these people have accomplished something extraordinary.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Perry follows:]

TESTIMONY ON MIGRANT EDUCATION
PRESENTED BY
THE HONORABLE JOHN PERRY, A STATE SENATOR FROM NEW YORK
ON BEHALF OF THE
EDUCATION COMMISSION OF THE STATES
INTERSTATE MIGRANT EDUCATION TASK FORCE
BEFORE THE
HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION
October 12, 1977

Mr. Chairman, on behalf of the Education Commission of the States' (ECS) Interstate Migrant Education Project and Task Force, we want to thank you for this opportunity to present testimony on behalf of migrant agricultural workers, migrant fishermen and their children.

This project originated in 1976 and is composed of eight state departments of education -- Arizona, Arkansas, California, Florida, Michigan, New York, Texas and Washington -- using Title I migrant education funds to explore critical issues and to develop recommendations and policies that meet the educational needs of migrant children. The project is a milestone because several states have entered into an interstate agreement to jointly bring about increased interstate cooperation.

We feel that the Title I legislation has been very positive in addressing itself to the national nature of the mobile or migrant constituency that it was designed to serve; but, as the program has evolved and matured, we find that we have identified areas that may need to be revised, removed or replaced with new approaches or methods to fully carry out the intent of the law.

The ECS Interstate Migrant Education Task Force submits the following items for your consideration, not in the order of priority, but as items or areas that need to be further discussed in the process of the reauthorization of the migrant education program under Title I of the Elementary and Secondary Education Act (ESEA) (Public Law 89-10), as amended under Public Law 93-380).

1. Migrant education legislation should remain as part of Title I. The present manner of funding state-operated programs more adequately addresses the fiscal needs of the program. The program dollars follow the child for more direct services.

2. We recommend the continuation of the funding, as presently written in the law, of children ages 5-17, including the 5-year "settled out" migrants.

3. We further recommend the funding of children, as identified and entered in the Migrant Student Record Transfer System (MSRTS) at the 0-5 lower age level and at the 18-21 upper age level, so that subsequently children 0-21, including the 5-year "settled out" children, will be provided better education access.

Presently, the program encompasses and serves the 5-17 age range, but various circumstances -- primarily those of economics, with older children needing to contribute to the total income of the family and the interruption of the continuity of the education of the mobile migrant child -- hinder the students in attaining or attending higher levels of education above the 8th grade.

Encompassing and providing the additional funds for serving the lower age levels of 0-5 will provide early childhood services that will promote better educational experiences and readiness for entry into school, resulting in more positive learning experiences and retention at the 8th grade level and above.

The funding of the 18-21 age level, with the utilization of innovative approaches for reaching and retaining this age group, such as the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP), will further provide educational opportunity for migrant students that will result in alternative choices for their life's work in other than migrant labor.

4. In line with recommendation #3, we also recommend the authorization of incentive or special grants in the 0-5 and 18-21 levels. These grants would generate and engender special approaches for providing the indepth looks at meeting the unique needs of these two age level groups, such as the incentive grants being presently used to meet the special needs of handicapped children.

5. Special emphasis has to be placed on serving migrant dropouts. The first step has to be in the prevention of the dropout. The above recommendations could be the first step toward this prevention. Retention and the continuity of the migrant child's education are the crucial steps toward preventing his or her dropping out of school.

The expansion of secondary and postsecondary programs, like HEP and CAMP, needs to be further established to retain or recover the potential or actual dropout.

The possibility of a stipend or work-study program for older children -- 14 years and older -- should be established in order to help students through the hard decision of helping toward total family income or the "long-range" goal of an education.

We have found that the average grade level for migrants is 5.3. Their comparative enrollment chances are:

Grade	Migrant		Non-migrant
at the 9th grade level:	40%	compared to	96%
at the 12th grade level:	11%	compared to	~~60%~~ 80%

6. The present funding is often expended before serving all the priority categories. Very often, particularly in the larger sending and receiving states, the impaction of "currently migratory children" is so great that "formerly migratory children" or "day care" children cannot be adequately and properly served because there is not enough funding to cover all the eligible children.

The category of children that may be served, but often cannot be served due to the above stated circumstance, is the preschool or "day care" children. They cannot be served until the other categories are served because they presently do not generate any funds. Only the 5-17 year old migrants generate funds on a Full Time Equivalency (FTE) basis of residence in the reporting or host state.

7. Interstate and interagency coordination must be emphasized. This ECS project is an effort toward increased interstate cooperation and, as it has developed and evolved, we have found that the national nature of the mobile migrants demands greater interstate coordination. The present project states, as well as other states that have formed similar coordination groups (such as the Western States Coordinating Council for Migrant Education, The Eastern Stream States and the Five Midwest States groups), need to be helped in their efforts to promote interstate coordination at all levels -- federal, regional, state and local.

Federal rules and regulations must be supportive of these tasks by facilitating and expediting these efforts by lessening the "red tape" and paper work that may hinder their formation. Technical assistance in the formation of such groups should also be provided. Model formats or procedures should be formulated in order to provide a guide or guidance toward the development of such coordination groups. This would result in improved cooperation among state education agencies in the administration, planning, implementation, staffing, monitoring and evaluation of the Title I (migrant program) of the federal Elementary and Secondary Education Act.

Interagency coordination is also very necessary at all levels. All federal agencies that have migrants in the populations they serve should formulate specific interrelated regulations for migrant programs and services.

The U.S. Department of Health, Education and Welfare, in conjunction with the U.S. Department of Labor, the Public Health Service and the Office of Child Development (Headstart and Indian/Migrant Division), Department of Social Welfare Medical Services, through Title XIX of the Social Security Act, EPSDT, should standardize the definition of migrant workers and eligibility.

The federal government should assure that migrant funds are focused on the concerns and specific needs identified by the agencies.

It should also assure equal access to services on an interstate basis for all federally supported programs; i.e., education, social services, Title XIX, Title XX, labor, etc.

8. The above emphasis on interstate and interagency coordination should be included in the intent section of the legislation. These are key elements that must be applied to this program in order to fully carry out the intent of the legislation.

9. Migrant education should be viewed in the totality of the education process, providing access to the mainstream of the whole educational system. Migrant education is not another educational system, but an alternative approach toward providing the continuity of education to the "mobile" migratory child. Its most unique feature, especially in the "instream" receiver states, is that it is forced to provide the continuity of education in segments of time varying from 6 to 8 weeks or 3 to 6 months, depending on the crop or crops that the workers are engaged in.

The regular educational system is carried out in the traditional time frame of the 9-month school year. Some of these children go to school all year, not on a continuous basis, but on an intermittent basis. This intermittent attendance does not always add up to the traditional 180 days of school attendance, so it may take longer. Migrant education provides the alternative toward getting an education, as well as provides the transition from "mobile" school attendance patterns to a "settled out" enrollment for the no longer "mobile" migratory child into the mainstream of the whole educational system.

It could be more adequately described as a parallel system that facilitates for the migrant child the moving in and out of the non "mobile" regular school system. It minimizes the trauma or shock of the transition into regular school for the bilingual, as well as the monolingual child.

10. The Title I migrant program has been very successful in carrying out early childhood education, even though children served do not presently generate any funds. As an example of the number of children served, we have asked the Migrant Student Record Transfer System for the following figures for the ECS project member states:

a)	Arizona:	467
b)	Arkansas:	125
c)	California:	6,558
d)	Florida:	6,461
e)	Michigan:	4,497
f)	New York:	1,799
g)	Texas:	7,543
H)	Washington:	1,396
	TOTAL:	28,846

The grand total of 28,846 preschool children served by the ECS project states during program year 1977 is very significant. These and the other states know the importance of this much needed headstart for children who very often have negative educational experiences, due to the many interruptions in their education. The states have developed early childhood approaches in order to give preschool children an early start toward positive educational experiences. They have been very successful in providing the needed services, even though they have had to stretch their present funding to do this.

These children are being served, but they could very well be denying other children access to a local program or to the services provided. That is why every child identified and served must generate funds. Proper and full services must be provided to all these children.

Presently, a committee has been formed by the state migrant directors in order to formulate an early childhood curriculum to meet the present needs of preschool children. They also anticipate expanding the program should additional funds be provided in the reauthorization of the legislation.

11. The ECS Interstate Migrant Education Task Force would like to request of this committee that it request of the Assistant Secretary of Education, Dr. Mary F. Berry, as Chairperson of the Federal Interagency Committee on Education (FICE), a report on the overall role of the federal government on migrant education.

We want to once again thank you for this opportunity and would respectfully request that you permit us to defer to Mr. Raul de la Rosa, President of the National Association of Directors of Migrant Education, and a number of his peers who would also like to present testimony on the reauthorization of Title I migrant legislation.

[Additional material submitted by the Education Commission of the States Interstate Migrant Education Task Force follows:]

EDUCATION COMMISSION OF THE STATES

INTERSTATE MIGRANT EDUCATION TASK FORCE

TITLE I TESTIMONY

Additional Information Submitted for the Record
by Members of the Education Commission of the States'
Interstate Migrant Education Project Task Force
in the Form of Testimony Presented at
Office of Education Regional Hearings on
the Title I Migrant Program Regulations

EDUCATION COMMISSION OF THE STATES
INTERSTATE MIGRANT EDUCATION TASK FORCE

TITLE I TESTIMONY

As the Title I migrant program has grown in size and complexity, it has become necessary to review carefully U.S. Office of Education rules and statutes that govern program operations and policies. The specific purpose of this testimony is to provide recommendations from the Education Commission of the States Interstate Migrant Education Task Force to the U.S. Office of Education regarding the proposed rules for the special educational needs of migratory children.

A more generalized purpose of the testimony, however, is to inform the U.S. Office of Education of concerns as we as task force members have about both the current migrant education statutes and administrative procedures. Although we are aware that the purpose of the hearings is to solicit concerns regarding the published rules and regulations, these broader recommendations will serve to put into context the compelling need to deal with migrant children and their families with a comprehensive plan.

The testimony then will deal with three distinct areas: 1) the rules as published in the Federal Register, July 13, 1977; 2) the statutes that authorize migrant education; and 3) administrative issues.

Section 116d.2

It is recommended that a standardization of the definition of migrant workers and eligibility be formulated by the U.S. Department of Health, Education and Welfare, in conjunction with the Department of Labor, the Public Health Service and the Office of Child Development (Headstart and Indian/Migrant Division), Department of Social Welfare Medical Services, through Title XX of the Social Security Act, EPSDT.

Section 116d.2

In 116d.2, there also seems to be a conflict between definitions and what "project" means and whether or not supportive services stated in 116d.38 can be provided to high school aged students even though they are not in a structured activity. The conflict arises in how the definition reads and if supportive services such as in Headstart can be rendered to them in a receiver state in order for them to "effectively" participate in instructional services in a home state upon their return.

Section 116d.2(b)

Under the section entitled "Currently migratory child," "who has within the past twelve months moved from one school district into another (or, in a State comprising a single school district has moved from one school administrative area into another)," the point in question is whether the area must be a state comprising a single school district. There are some areas, such as in New Mexico, where the child's education is interrupted due to the vast distance between school facilities or administrative areas because of the large size. We believe that the original intent of Congress was to provide for the continuity of migrant children's education. A consideration could be given to districts 450 or 500 miles in area. A rewording of this section is needed in order to fulfill the original intent of Congress.

Section 116d.10(b)

In 116d.10(b), item number eight was left out of this section. The typographical error should be corrected or the proper statement inserted.

Section 116d.10

Some of the functions under administration or program seem to be duplications, if not ambiguous. It is very difficult to distinguish between administrative functions and program functions. For example, number (2) says, "Design and publication of application, evaluation and financial report forms and transmittal of these forms with appropriate instructions to operating agencies." In program function, item (9) seems very similar: "Evaluations and compilation of notes and preliminary reports for internal State educational agency use with respect to evaluations." Under program, number (5), "Inservice training programs for instructional and support personnel," could very well not be carried out because there would not be enough funds to carry this out.

More importantly, if the administrative functions have to be charged to the Title I administrative budget, as proposed in the rules, both cannot be run administratively in an adequate and proper manner. In most states, there is simply not enough money.

Further clarification of these functions is needed.

Section 116d.31(a) and Sec. 122(a)

Talk about programs of instruction for preschool migratory children and that provision be made for their educational needs.

Migrant children outside the range of 5 to 17 do not generate funds.

We are offering three possible atlernatives for consideration on the rewrite of these regulations and statutes:

First, that children from 3 years up to 17 generate funds and that no eligible migrant children be excluded.

A second alternative would be that on rewrite of the statutes there be an incremental inclusion of children in succeeding years, as the total allocation would increase. First year would fund 4-year-olds so it becomes 4 to 17 and that the total appropriation be augmented to the percentage or number of 4-year-olds identified. The second year go to 3-year-olds and each succeeding year moving on down to include preschool, infants, all the way down to early intervention; but put it in with a circuit breaker so that it does not take any money away from the existing appropriation; and the number or FTE's of children that you identify, in essence, increase the overall appropriation each succeeding year or increment.

The third alternative would be the ultimate in overall services to migrant students in that they would encompass all students from 0 to 21, which would include early intervention, preschool and on to postsecondary education.

Section 116d.37

A consideration for stronger wording could be given to this area. It is felt that this wording could prevent someone saying that they consulted with a council and obtained their views by only phoning one or two of the council members.

The task force also suggests that the National Advisory Committee on the Disadvantaged must include representation for migrants.

Section 116d.39

116d.39 speaks to criteria for the approval of state applications and in 116d.5(b) of the general provisions further states that an application has to be in "substantially approvable form." This wording or phrase needs to properly and clearly be defined. A clear set of criteria must be spelled out for what constitutes a "substantially approvable form."

Section 116d.39(a)

116d.39(a) that relates to coordination should be carried out more diligently and enforced by USOE. This is a very important element of this program and it bears very special attention due to the national nature of the constituency served.

Section 116d.39(d)

This requirement should be deleted because Part B of Title III of the Economic Opportunity Act is an obsolete statement.

Also in relation to the regulations is the Management Information System. There is a need on the part of first line program managers in the Office of Education migrant branch for accurate program, statistical and financial information in order to make valid program and financial management decisions. It is recommended that this system be suspended until: 1) a determination be made of which management levels need the information; 2) what specific information is required; 3) what source documents are available to meet such needs; 4) what use will be made of this information; 5) an evaluation is made of the cost versus the need for such information; 6) USOE is willing or able to enforce source document reporting requirements from all states on a timely basis and in an accurate manner; and 7) Local Education Agencies and State Education

Agencies are required to prepare source documents in a standardized format (primarily local projects).

Statutes

It is difficult to discuss the regulations without reference to their relation to the existing and proposed statutes.

If the Quie Bill is still under consideration, the task force would like to go on record as being opposed to it because it would appreciably reduce the educational opportunities for the settled-out migrant children.

The Lehman Bill is considered as a favorable bill because it would encompass some of the migrant preschool children and provide the funding to more adequately serve the children presently being served.

Since the issue of eligibility is a great factor in who is served and by whom they are served, it is very, very necessary that the U.S. Office of Education Title I migrant branch must specify criteria for each of the three types of movement permitted by this statute and must issue such fegulations within 120 days of enactment of this law.

In order to address problems of migrant children who drop out of school, it is recommended that:

1. USOE develop national objectives to:
    a) Decrease the high dropout rate.
    b) Significantly increase the percentage of migrant high school graduates.

2. USOE assume a leadership role in these areas and mount a national thrust to achieve these objectives.

3. State applications be required to list objectives designed to decrease dropouts and to describe services to be provided to meet these objectives.

4. The proposed interim regulations be expanded to include emphasis on the need for objectives and services designed to meet the needs of children 14 and above.

5. USOE explore the possibility of developing a legislative change that would compensate migrant families on a needs basis for the loss of family income from children ages 14 and above attending school in lieu of working in the fields.

Interstate Coordination

The ECS task force further recommends that the U.S. Office of Education encourage and facilitate the following:

1. Migrant programs must look at other sources of support, including financial, training and technical assistance, and personnel support.

2. The U.S. Office of Education should develop and promote procedures for interstate reciprocity for any person needing licensing or certification in their profession that is part of comprehensive services for the migrant worker and their families.

If the above items are not already in the legislation, they should be put in. Further recommendations in this area are that:

1. USOE establish a leadership role in the area of interstate program coordination.

2. State applications for migrant program funds be disapproved until the application provides concrete evidence of plans for interstate program coordination over and above participation in the Migrant Student Record Transfer System.

3. The proposed interim regulations be expanded to place more emphasis on the need for the planning and development of state migrant programs on a coordinated interstate basis.

4. The proposed interim regulations include a requirement that each sending state provide each receiving state with a copy of its annual state needs assessment as a part of interstate coordination.

Adjustment of Appropriations and Ratable Reduction

The task force wants to reaffirm the fact that we want the appropriation taken off the top and to remain at 100 percent for all three categories: interstate, intrastate and settled-out. This would override the present move toward ratably reducing the settled-out migrant.

If there is an increased eligibility for other populations -- i.e., infants, preschool age children and/or adults -- there is a definite need for increased overall funding.

Based on the review of the enabling legislation, the legislative issues seem to be:

1. Duplication of effort among federal programs serving migrants.
2. Lack of program coordination.
3. Lack of any means of communicating between federal agencies, states and agencies within states.
4. Lack of clear direction for the full range of possible students; i.e., early childhood, public school age and postsecondary.

Other Administrative Considerations

"The whole Title I migrant program of 10 years is run strictly on directives and memos" is an observation made by one of the state migrant directors. Following is a list of general comments, some not applicable necessarily for comments regarding the regulations, but may be applicable elsewhere:

1. The national migrant education goals and objectives need to be revised.
2. There needs to be emphasis for SEA's within migrant streams to work together in the development of the unified, coordinated application possibly to adopt a unified approach through several states in a given geographic area.

3. The program needs the support and increased involvement of the chief state school officers.

4. There needs to be a national policy and definition regarding migrant education conferences in terms of personnel who may attend and their specific functions.

5. The 505 Management Guide needs increased USOE emphasis in order to improve program administration by utilizing this management tool.

6. The MSRTS committee needs to be officially established and the structure changed.

7. The day care regulation creates problems. An example is that it is okay to serve a preschool child in a day care center if it enables his sibling to attend school. However, there is no definition for approval for preschool children without siblings in school. These children need care also, as well as their parents need to be worry free to work in the fields.

8. Supposedly in the regulations, the director of the State Education Agency is authorized to make a decision and judgment relative to the determination of a guardian. That is very difficult to do for SEA's and, therefore, they need more direction or guidance.

9. There is a conflict in the General Education Provision Act and the regulations regarding retention of records. GEPA, it is believed,

says five years; the regulations say they maintain MSRTS records and forms particularly for audits.

10. Parental consent signature could be put on MSRTS form only once and be used for five years or more without requiring a new parent signature every year.

11. There may be a question that the regulations may be interpreted to mean that a migrant child may remain for six years after settling out, as opposed to five years. This needs clarification.

Testimony Presented at the
Elementary and Secondary Education Act Reauthorization
Public Hearings Held at 330 Independence Avenue, S.W.,
HEW North Building Auditorium,
July 13, 1977,
Before Dr. Mary F. Berry,
Assistant Secretary for Education,
and Dr. Ernest Boyer, Commissioner of Education

MARY ALICE KENDALL
MEMBER, NEW YORK BOARD OF REGENTS
AND
MEMBER, ECS INTERSTATE MIGRANT EDUCATION TASK FORCE

was not able to present this testimony, due to doctor's orders. Instead,

I, VICENTE Z. SERRANO
DIRECTOR OF THE ECS INTERSTATE MIGRANT EDUCATION PROJECT

has had to give this testimony in her stead.

The Education Commission of the States (ECS) Interstate Migrant Education Task Force and staff have arrived at some positions that address some of the concerns suggested by HEW staff. These positions are in order of questions circulated by HEW:

A. Funds Allocation Issues

1. Should the practice of automatic full-funding for State operated programs be continued?

Yes. Elementary/Secondary Education Act (ESEA) Title I Migrant must remain a categorical program based on an allocation formula using the Migrant Student Record Transfer System (MSRTS) data.

Migrant education must continue to be funded at 100 percent of need as indicated by MSRTS allocation formula.

2. Should hold harmless levels for State operated programs be changed?

No. The hold harmless provision is necessary due to the mobility patterns of migrants. The commissioner of education can make these adjustments on a case-to-case basis, as the need arises.

B. Program Issues

1. Cross Cutting

a. Should more specific statement of purpose be added to the law for State operated programs?

Yes. Specifically, to address the educational needs of the migrant children and the fact that this is a State educational agency-operated program.

Migrant education was originally, and still is, designated as a categorical program designed to assist children who have been excluded from receiving equal educational opportunity.

The majority of migrant children move from one state to another. Migrant education, therefore, must be a national effort aimed at providing continuity of education for migrant children.

ESEA Title I migrant education is unlike regular ESEA Title I programs in that it is a state education agency program. The funds and the use of funds are the state agency's, rather than the local education agency's, responsibility. Because of the funding differences, the administrative procedures for migrant education programs are different than they are for regular Title I.

(Side remark: Today's scheduling is an example of the low visibility profile that the Title I Migrant program has even within HEW.)

2. Migrants

a. Should the priority system be changed so that services are provided first to current migrants (pre-school and school age) and then to former migrants (pre-school and school age)?

Yes. With the order of priority being served in the order that follows:

1. Currently migrant school age.
2. Currently migrant preschool.
3. Five-year provision school age.
4. Five-year provision preschool.

Presently the program is serving about 50,000 current migrant preschool age children that do not generate any funds. Migrant legislation must recognize the need for providing services to migrant children from birth through secondary education.

The task force suggests that additional funding should be allocated to encompass these children, especially 0-5.

b. Should the definition of "migrant" be changed?

Yes. The present definition for Title I Migrant is clear as a definition, but not as to who qualifies as to category of agricultural or fisherman group.

C. Administrative Issues

1. Should the administration of the Migrant and Neglected or Delinquent programs be changed? Should these programs be administered separately from the basic Title I LEA program?

Presently Title I Migrant does not have enough staff or identity at the federal level to carry out its functions. The program should be aligned so that it is more compatible with its responsibilities at both the federal and state levels.

The United States Office of Education must provide more direction and leadership in pursuing the goals and objectives of Title I migrant programs. Part of the difficulty appears to lie in the current organization of migrant education programs branch within the United States Office of Education. Currently the migrant programs branch operates within the framework of the Title I office in spite of the fact that administrative relations and responsibilities for Title I are different.

Separate status should be granted to migrant and other state agency programs, like the handicapped and Indian programs that also draw their money from Title I funds.

During the November 11 and December 5, 1975, hearings before the Subcommittee on Agricultural Labor, chaired by the Honorable Carl D. Perkins, a study in this area was proposed; but, to our knowledge, it has not yet been made.

2. Should there be separate set-asides for the SEA administration of State operated programs?

Yes. Presently the money goes out to the state in total, together with Title I monies. There should be money set aside commensurate to their responsibilities for migrant education.

The state education agencies (chief state school officers) must provide appropriate administrative and organizational support for ESEA Title I migrant education programs; that is, within the state agency structures, the migrant program operation must be placed in the most effective organizational position to obtain the interest, support and cooperation of the state board of education, the other divisions within the state agency and the general public. Again, USOE must consider this in their approval of the state plan.

* * * * * *

Other: Interagency Cooperation

The United States Office of Education must take a stronger hand in the enforcement of the interstate-interagency requirements of migrant legislation. As a first step, interagency cooperation at the federal level must improve. All federal agencies that provide funds for migrant services must agree on a common definition of migrant. Secondly, state agencies, upon accepting migrant monies, agree to comply fully with the interstate requirements of the migrant legislation. USOE must not approve a state's plan without this assurance.

Our main concern, however, is that the educational structures of the states are not well suited to migrant children. Our major objectives surround improving cooperation between the state educational agencies and between the many agencies serving migrants.

We have found that the Title I programs must duplicate other services in order to meet children's needs. This is particularly true in health care. Additionally, we find that the regulations and P.L. 93-380 fail to serve many needy children, especially preschoolers. We have developed preliminary recommendations to address these needs. The recommendations are:

1. Each state fix the responsibility for serving migrants with an agency or interagency group under the auspices of the governor. This group or agency would be required to integrate planning at a state level to make services more available by avoiding duplications and identifying gaps in services. USOE could encourage this in the regulations.
2. That states cooperatively plan future activities. This could be mandated either by USOE or by the states' governing officers or boards.

3. That USOE and the states settle on ways of involving parents that are fitted to the migrant program's transitory nature and the mobile lifestyle of migrants.

* * * * * * *

Thank you for this opportunity to present testimony for the ECS Interstate Migrant Education Task Force on behalf of migrant children and their parents. We would also like to submit a copy of our Interim Report No. One, a survey of Title I migrant regulations, a statement from the chairman of the migrant education task force (The Honorable Raul H. Castro), as well as a written copy of this prepared oral testimony.

April 29, 1977

STATEMENT FROM THE CHAIRMAN OF THE
MIGRANT EDUCATION TASK FORCE
THE HONORABLE RAUL H. CASTRO

This Statement was formulated by participating state directors and submitted to the task force for review and comment.

The Issue

In 1966, when Title I of the Elementary Secondary Education Act was amended by Public Law 89-750 allocating funds to state departments of education for funding programs for migrant education, there was considerable discussion regarding the relationship of Title I migrant to the regular Title I program. In view of the forthcoming congressional re-authorization discussions of Title I (Public Law 93-380), it is imperative that a definitive position be taken on Title I migrant education.

Rationale

Before any consideration regarding migrant education is undertaken, three major facts must be accepted. They are:

1. Migrant education was originally, and still is, designated as a categorical program designed to assist children who have been excluded from receiving equal educational opportunity.
2. The majority of migrant children move from one state to another. Migrant education, therefore, must be a national effort aimed at providing continuity of education for migrant children.
3. ESEA Title I migrant education is unlike regular ESEA Title I programs in that it is a state education agency program. The funds and the use of funds are the state agency's, rather than the local education agency's, responsibility. Because of the funding differences, the administrative procedures for migrant education programs are different than they are for regular Title I.

Given the foregoing three major facts, on behalf of the ECS Interstate Migrant Education Project, I would like the following positions to be considered by ECS in its policy deliberations.

1. Elementary Secondary Education Act (ESEA) Title I Migrant must remain a categorical program based on an allocation formula using the Migrant Student Record Transfer System (MSRTS) data.
2. Migrant education must continue to be funded at 100 percent of need as indicated by MSRTS allocation formula.
3. Program regulations must be prepared by the United States Office of Education (USOE) in cooperation with states specifically for migrant education programs. ESEA Title I migrant funds must continue to be made available for the "settled out" or formerly migrant child.
4. The United States Office of Education must provide more direction and leadership in pursuing the goals and objectives of Title I migrant programs. Part of the difficulty appears to lie in the current organization of migrant education programs branch within the United States Office of Education. Currently, the migrant programs branch operates within the framework of the Title I office in spite of the fact that administrative relations and responsibilities for Title I are different.
5. The United States Office of Education must take a stronger hand in the enforcement of the interstate-interagency requirements of migrant legislation. As a first step, interagency cooperation at the federal level must improve. All federal agencies that provide funds for migrant services must agree

on a common definition of migrant. Secondly, state agencies, upon accepting migrant monies, agree to comply fully with the interstate requirements of the migrant legislation. USOE must not approve a state's plan without this assurance.

6. Migrant legislation must recognize the need for providing services to migrant children from birth through secondary education.
7. The state education agencies (chief state school officers) must provide appropriate administrative and organizational support for ESEA Title I migrant education programs; that is, within the state agency structures, the migrant program operation must be placed in the most effective organizational position to obtain the interest, support, and cooperation of the state board of education, the other division within the state agency and the general public. Again, USOE must consider this in their approval of the state plan.

EDUCATION COMMISSION OF THE STATES

INTERSTATE MIGRANT EDUCATION TASK FORCE

INTERIM REPORT NO. ONE

PRELIMINARY FINDINGS AND RECOMMENDATIONS

Foreword

My interest in migrant education stems back to the time when, as a young man, I was a migrant worker in Arizona, Idaho, Montana and Oregon. As an educator, judge and public official, I have seen the problems of migrants in education, law, employment, health and other areas.

The Interstate Migrant Education Task Force offers us an opportunity to address the most pressing problems migrants have -- the education, health and general welfare of their children. Education is one way for people to increase their opportunities to achieve the American dream. What follows is the product of our meetings and much thought on the part of one of the best groups of people I have ever worked with. Our task force has a commitment to positive and productive change in the educational system that will increase the educational opportunities for the children of migrant workers.

These recommendations are not the last word on probable solutions to very difficult problems, but are a first step in a long journey that we hope will improve the chances of migrant children to enjoy health and happiness.

Raul H. Castro

Raul H. Castro
Governor of Arizona and
Chairman, Interstate
Migrant Education Task Force

INTERSTATE MIGRANT EDUCATION TASK FORCE

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The Honorable Raul H. Castro
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Overview and Summary of Recommendations

The Interstate Migrant Education Project is a cooperative effort between the Education Commission of the States (ECS) and the states of Arizona, California, Michigan, New York, Texas and Washington. Arkansas and Florida joined the project during its second year in January 1977. One of the primary aims of the project is to develop methods whereby interstate and interagency cooperation can provide educational and other services to migrant workers and their families. To achieve the goal of interstate and interagency cooperation, ECS appointed a task force chaired by The Honorable Raul H. Castro, Governor of Arizona, composed of members of Congress, state legislatures, state boards of education, chief state school officers, business, industry and other pertinent service agencies to develop sound and feasible recommendations for the federal, state and local levels of government.

The Interstate Migrant Education Task Force has determined the critical issue to be the improvement of the education system as well as social and health services to meet the unique needs of children of migrant workers and their families. Improvements in education must be made for children whose lives are characterized by poor general health, lower than average scholastic achievement, low family income and much mobility.

The improvements regarded as necessary by the task force fall within the following three general categories:

- Improved cooperation amongst state education agencies in the administration, planning, implementation, staffing, monitoring and evaluation of Title I (Migrant Program) of the federal Elementary/Secondary Education Act.

- *Improved cooperation amongst federal, state and local agencies that serve migrant families and children.

- *Improved cooperation between the state education agency and local school districts in the enrollment of migrant students in terms of planning, implementation, monitoring and evaluation of Title I migrant education programs.

Pending completion of one or more of our recommendations, the task force has been using the USOE definition of migrant, which is: "Those persons who have moved from one school district to another in the same state or to one in another state for the purpose of finding temporary or seasonal employment in one or more agricultural activities ... Agricultural activity means any activity related to crop production, including but not limited to soil preparation and storage, curing, canning and freezing of cultivated crops ..." (USOE Title I Migrant Branch Proposed Rules, July 1975). The definition was amended in 1974 to include children of migrant fishermen as well.

I. Recommendations to the U.S. Office of Education (Migrant Education) and Other Federal Agencies Involved in Migrant Programs

A. Formulation of specific interrelated regulations for migrant programs and services.

B. Standardization of the definition of migrant workers and eligibility by the U.S. Department of Health, Education and Welfare in conjunction with the Department of Labor, the Public Health Service and the Office of Child Development (Headstart and Indian/Migrant Division), Department of Social Welfare Medical Services, through Title XIX of the Social Security Act, EPSDT.

C. Assure that migrant education funds are focused on the concerns and specific needs identified by the agencies.

D. Assure equal access to services on an interstate basis for all federally supported programs; i.e., education, social services, Title XIX, Title XX, labor, etc.

II. Recommendations to the States

A. Assignment to a person or group the responsibility for making needed improvements in education and other public and private services for the benefit of migrant workers and their families. This group is to have access and impact into all agencies serving migrant workers and their families. Better coordination processes established in order that exchange of concepts in education and related services coincide across state lines.

B. Development of administrative procedures that accommodate interstate cooperation, i.e., personnel exchange visits, participation with state liaison and multi-state coordinated projects.

C. Establishment of a system for conducting interstate planning, i.e., state education agency allocation of funds to effect a mechanism for improved interstate planning.

III. Recommendations for Federal-State-Local Relationships

A. The U.S. Office of Education (USOE) should mandate interstate planning and cooperation.

B. Require by interstate cooperatives or other administrative structures using federal funds to develop federal-state-local operating procedures for cooperation.

C. Standardize, by using comparable operating criteria, state, and local needs assessment and evaluation between states.

TASK FORCE RECOMMENDATIONS

Two broad categories of recommendations were developed. The first section consists of task force position statements that address goals for migrant education, limitations or guidelines in pursuit of cooperation, task force strategy and the need for more public information concerning migrant students and families.

Section Two of the report highlights critical areas of change needed at the federal, state and local levels. Within this second category are such recommendations as assigning coordination responsibility, administrative procedures, interstate planning, and federal and state program regulations. Also included are suggestions for project and task force action to be implemented during the future months. These are reflected in project objectives and tasks for 1977.

Additional recommendations that relate to children of migrant workers and their families will be presented in subsequent task force publications.

Section One

Task Force Position Statements

I. Goals for the Education of Migrant Students

The following statements represent the position of the ECS task force on migrant education. The statements reflect the basic assumptions made by the task force and provide a framework for understanding subsequent recommendations.

It is recognized that:

A. The educational goals and expectations established for migrant students must be the same as those for all students in preschool through postsecondary programs.

B. Program goals should be student oriented, rather than program oriented, so as to insure that programs serve students individually instead of institutions.

C. Opportunities must be developed for states to cooperatively provide services and to meet their legal and moral obligations to migrant students and their families in order to implement the educational goals on an interstate basis.

D. In order to implement these objectives successfully (on an interstate basis), some administrative as well as student-oriented goals are needed.

E. Migrant programs must address the unique educational and related needs of migrant students, particularly the expansion of existing programs for limited or non-English-speaking migrant students as a means of equalizing educational opportunities.

II. Traditional and Legal Constraints Affecting Education and Other Comprehensive Services for Migrant Families

The diversity of responsibility for education and other traditional migrant services on federal, state and local levels is reflected in numerous laws, regulations and customs, many of which were enacted before the education of migrant students became a recognized equal educational opportunity need. The Interstate Migrant Education Task Force recognizes that:

A. Constitutional limits and national traditions regarding state and local prerogatives exist that restrict the nature of possible change in education and other migrant services.

B. Federal or state efforts must not usurp the constitutional prerogatives of respective levels of government.

C. The lack of national, state and local policies (statutes, regulations and administrative guidelines) concerning interstate, interagency and intrastate cooperation is a major barrier to interstate cooperation.

D. There are limitations on state and local expenditures. State and local funds are often earmarked for certain services or age groups.

E. Compulsory attendance laws varying from state to state are a potential barrier to providing continuity in the education of migrants.

F. The administrative procedures of state government agencies are sometimes barriers to interstate cooperation.

G. Local schools as well as states are reluctant to make comparisons of pupil performance.

III. Implementation: Position Statements on a Task Force Strategy to Create Better Educational Opportunities and Other Comprehensive Services for Migrant Families

It is recognized that:

A. One of the primary aims of the task force is to establish an interstate and interagency system of cooperation that will maximize the quality of education and other services for migrant families and emphasize each state's responsibilities in these areas.

B. The goals of interstate and interagency cooperation may best be achieved by utilizing third-party intermediary, regional approaches, and multistate and migrant stream structures.

C. The Education Commission of the States, or a similar third party, must be involved in efforts to achieve interstate cooperation and provide opportunities for activities currently not possible under federal grant guidelines or restricted by the amount of monies provided to the states for administration of migrant education programs.

D. States must recognize, accept and implement interstate cooperation.

E. Business, industry and labor must be an integral part of a national effort to provide career education, vocational training and job opportunities for migrant families.

IV. Implementation: Position Statements on the Need for Public Information and Public Relations Efforts on Behalf of Migrant Families

It is recommended that:

A. The task force initiate better and more intense communication at federal, state and local levels in order to make the public aware of the attributes of the migrant worker and their families.

B. More emphasis should be placed on the economic benefits the migrant worker brings to local communities and school districts.

Section Two

Federal-State-Local Recommendations

The system of providing services to migrants has at least five basic elements: administration, planning, staffing, program services, and monitoring and evaluation. The issues surrounding these five elements are addressed in the following recommendations:

I. Federal (USOE Title I Migrant Branch) Recommendations

Regulations Governing Program Administration and Financing

The Title I migrant programs have never established regulations specifically for migrant students. Rather, the guidelines for regular Title I programs serve "educationally disadvantaged children" who are not migrant agricultural workers or fishermen. Considering the current regulations and the need for new regulations, the task force recommends that, after consultation with the states:

A. Separate regulations specifically for migrant students be developed by USOE.

B. Proposed and subsequent regulations for migrant education be periodically reviewed, refined and updated.

C. Section 116 d. 39, paragraph a, of the Proposed Rules (1975) for State Education Agencies Programs for Migratory Children, which encourages program and state coordination, be carried out more diligently and enforced by USOE.

II. Federal Recommendation

Definition of Migrants

A continuing problem is the lack of a common definition of migrant workers and their children by all agencies serving migrants. Coordination and clarification of definitions would enhance cooperation among agencies for an effective human services delivery system with education as the central focus.

It is recommended that:

The Secretary of the Department of Health, Education and Welfare (DHEW) convene an interagency committee comprised of representatives of all federal agencies and those sections of DHEW that serve migrants in order to standarize the definition and the program eligibility of the migrant worker and their families.

III. Federal Recommendation

Planning Funds

Currently, all funds go directly to state education agencies from USOE for direct services.

The task force recommends that:

Funding on a regional, multistate or migrant stream administration basis for planning and implementation strategy be developed by USOE.

IV. Federal Recommendations

Coordinating Activities

It is recommended that the U.S. Office of Education encourage and facilitate the following:

A. Migrant programs must look at other sources of support, including financial, training and technical assistance, and personnel support.

B. The U.S. Office of Education should explore, develop and promote procedures for interstate reciprocity for any person needing licensing or certification in their profession that is part of comprehensive services for the migrant worker and their families.

V. State Recommendations

Assigning Responsibility for Coordinating Migrant Services

The issue addressed in this subsection speaks to the need for assigning responsibility to a person, agency or group to insure that efforts on behalf of migrants are not omitted, fragmented, overlapped or duplicated.

It is recommended that:

A. The responsibility for migrant education, including interstate and interagency planning, be placed with the chief state school officers.

B. A state task force be formed to facilitate interagency cooperation. The model should be under the direction of the governor, with a planning group representing business, industry, labor and education, the departments of social services, health, agriculture, the state pediatric association, the division of human resources and other agencies that provide services to migrant families.

C. A joint legislative committee be formed to establish legislative policy across agency lines and to develop legislation necessary for the improvement of migrant services in coordination and cooperation with other categorical programs.

VI. State Recommendations

Intrastate Planning

Another issue in all state matters concerning education is the tradition of local autonomy. This tradition makes a statewide plan difficult to establish.

It is recommended that:

A. The state boards of education and chief state school officers require the use of state migrant planning processes that involve local governing boards, district personnel, parents and community representatives.

B. Primary care practitioners and other human service providers must be involved in the planning processes.

VII. Federal-State Recommendations

Achieving Cooperation at the Program Level

A problem that schools have in serving migrant families is the discontinuity between programs in terms of educational content and focus.

It is recommended that:

A. Technical assistance centers be established by states, on a regional, multistate or migrant stream administrative basis to provide technical assistance to each state.

B. Sharing in the areas of curriculum, planning, training of teachers and other staff and the use of materials be developed between states serving the same or similar types of students, i.e., state agency establishment of commonalities in content curriculum across state lines to collaborate with LEAs for maximization of instructional benefits provided for migrant students.

C. Institutions of higher education, including community college, state university and state college systems, be encouraged to promote, develop and enhance the recruitment, entrance and retention of migrant students.

D. Existing interstate organizations for accreditation and cooperation, such as the Western Interstate Commission for Higher Education (WICHE), be contacted to discuss what role they might play in coordinating programs between states.

VIII. Federal-State Recommendations

Needs Assessment and Evaluation of Student Success and Achievement

To date there is no agreement on the definition of migrant student needs and their order of priority. There is no method of determining the common needs of migrant students within states, between states or on a national basis.

It is recommended that:

A. An educational needs assessment may best be done in the migrant's home state. The "sending" state should decide what needs are to be met. The "receiving" states should follow their recommendations to the maximum extent possible.

B. Common needs assessment procedures be explored for migrant students. The methods of collecting and utilizing information must be similar for all states.

C. Long-range socioeconomic and other demographic data on populations for program purposes should be shared.

D. Attention be given to the development and better utilization of staff training programs to insure that migrant students may have teachers who are well qualified and effective. Intergovernmental interstate personnel exchanges must be explored to insure the availability of staff necessary to meet the needs of migrant students.

Implications for Further Task Force Activities

We must ask curselves, "What are the implications of effecting such change, and how can we begin to implement some of these recommendations?" The degree to which we are successful in doing so will help us answer the following long-term questions:

1. What are the most effective means of providing services to migrant students and their families?
2. Where should the responsibility for services lie?
3. What incentives are needed to insure that services meet the needs of migrant students and their families?
4. What legislation is needed at the federal, state and local levels to insure that services are provided?

ECS RESOLUTION ADOPTED AT THE NEW YORK ANNUAL MEETING JUNE 14-17, 1977

Whereas, migratory workers are a basic source of manpower for the agricultural and fishing industries of many states and therefore are essential to the health and economic well-being of the nation;

Whereas, variations in growing and fishing seasons lead to shifts in demand for migratory labor from one state to another throughout the year and, as a result, migratory workers must live in several states during the period of a year without staying in any one state to establish residency without gaining an entitlement to basic state and local services normally accorded to non-migratory workers and their families;

Whereas, the children of migratory workers must attend several schools during the academic year with the result that the child's educational experience often lacks continuity and the state, local community and the school in which the child may be attending at any one time sometimes fails or is unable to assume full responsibility for the child's education;

Whereas, section 122 of Title I of the federal Elementary and Secondary Education Act recognizes the unique characteristics and the needs of children of migratory workers and represents a major national commitment to meet these needs beyond that which any single state could make;

Therefore, be it resolved that the Education Commission of the States

- urges states to join together through the Education Commission of the States to assure that the educational needs of migrant children who move among the states are served in a manner comparable to that for non-migrant children in each of the states;

  and

- urges that the federal government continue to provide financial support for education of migrant children in a manner which reflects their unique national status.

Mr. Ford. Thank you very much, Senator.

Mr. Kildee. Senator Perry, I just went through your testimony and your vita. Your life is quite similar to mine. I taught also. I served in the legislature, including the senate. I was also deeply involved in migrant education. I was a member of ECS from Michigan, along with Gilbert Bursley, and now I am in the Congress, so maybe you want to look forward to that.

Mr. Perry. I don't know whether I should comment on that. My congressman is of another party.

Mr. Perry. Thank you.

Mr. Ford. We had the good fortune in the State of Michigan of having to help us over the sadness of losing Mr. O'Hara from this committee—to have Dale Kildee join us, who was a promoter for educators in Michigan because he was the chairman of the Subcommittee that passed out appropriations in our State and probably knows more about how State financing works than any or all of the other members of this committee of either political party.

We are very happy that he has put aside his career as a teacher in Flint, Michigan, to join us here, and I am sure, as you get to know him, like we have come to know him, you will recognize why we are very proud in Michigan to have him with us.

Roy Fuentes-where is he?

Mr. Fuents. Here.

Mr. Ford. I almost overlooked you. Director of the Migrant Project, National Education Association.

STATEMENT OF ROY FUENTES, DIRECTOR, MIGRANT PROJECT, ON BEHALF OF THE PRESIDENT, NATIONAL EDUCATION ASSOCIATION

Mr. Fuentes. Mr. Chairman, I feel much at home with Congressman Kildee and the State Senator from New York who, I hope, got the endorsement and support of our association, the National Education Association.

A lot has been said here about Title I, migrant education, and most of it has been geared at the current operation of the program, basically, five to 17, and then the directors, who have, in my estimation, over the years been not only innovative but also have not feared to stick their necks out to serve people and in some cases have bent the rules for the good reason of serving preschool childen, and in the case of California where they set up a training program for migrant youngsters, they went beyond what the legislation called for.

In the three years and previous to that when I was in Michigan and then with the Academy Committee for Spanish Speaking, migrant education, in my mind and in the mind of the NEA, is a developing program, a program that continues to try to carry out one of the most innovative periods in our history of trying to bring everybody into full participation in the American mainstream under the antipoverty war.

We want to commend Congress for taking the initial steps in beginning to create a system to deal with the high mobility patterns of migrant farm workers.

Our testimony that you have for the record basically boils down to this, and that is, to urge you to complete the construction of that system. Our resolution in 1969 passed, as we like to say, by the largest deliberative body in the world, the representatives of over 1.8 million teachers in the country, who said that we should move in support of the development of educational opportunities for migrant children, for migrant farm workers and their families.

We do not believe that that can be done, regardless of how perfect the current migrant education program becomes, as long as you are talking about five to 17 years of age.

In fact, what we are saying to this population is that here is a key to success and equality which you can only open one door to that avenue, and that is basically K through 12, and in practicality it is really K through six even today.

If we are going to have, and you permit me to go beyond even your jurisdiction here of the Title I migrant education, elementary and secondary education, and I feel very comfortable in that also because the people who are here, many of them, the State directors, have done so before me, if we look ahead what we need to really make migrant education a fully comprehensive system is that we need a National Office of Migrant Education whose administrator would have direct access to the Commissioner of Education, and, hopefully, if Congress wills, to the new Secretary of Education sometime down the road.

With that Office of Migrant Education, you would have to have a nationl advisory board of parents and of teachers to have input to make the system work all the way down to the bottom. We could, of course, go on the attack and say that we have a lot of teachers out there who could tell us some horror stories on how this paperwork affects them down at the local level, and that they don't always get that quick turn-around that we like to think but that we hope someday will, through the MSRTS, really make a national classroom for the migrant child wherever he is in the country.

We would call also for a unit in what we call program planning and evaluation. There are some tremendous programs out there, like the HEP and CAMP programs which were almost defunded by the Depatment of Labor. They could have some tremendous impacts on the older population of migrant farm workers, and we need to addess ourselves to that, to deal with program planning.

With this new legislation coming now for the handicapped, there is no way that the Federal Government right now, outside of migrant education, can reach the physically handicapped migrant student.

Our feeling would be that any monies that are earmarked for migrants should go through a National Office of Migrant Education.

On page 10a of the testimony there is a chart of this office that we propose, and for all practical purposes what exists only now is elementary-secondary education, as I mentioned before. We propose that this be expanded to include everything from day care right on through postsecondary education, adult basic education and career education for migrant farm workers and their families.

We further would like to recommend that each person who is enrolled in that program in the computer system generate funds.

Now, obviously, in dealing with this concept the first thing that we came upon was the fact that your legislation before this committee deals with five to 17 year old elementary and secondary education.

The initial thing was to expand that, which is very impractical from the point of view of Government, I am sure, so what we are calling for is multiple funding of this National Office so that other pieces of education legislation would be earmarked just like Title I is, with the same kind of provisions and same kind of protections, and that those monies then be channeled through the Migrant Office which already has the capability through the MSRTS to reach out to the migrant family in providing educational services.

That is the main thrust of our testimony, Mr. Chairman, and we would be willing to anwer questions on this later on.

I would like to address myself to one final thing that has become kind of a hot issue in the regulations of the Office of Education of this program, and that is the provision for coordination.

Right now we would say that the present language which talks about coordinating with the OEO office or the Economic Opportunity Act be changed, of course, or dropped, because that office no longer exists. However, there will be some recommendations or there have been recommendations at these hearings that that be replaced by CETA 303 in the Department of Labor.

Our recommendation is, if there is any coordinative language, that it just be broad enough to include all Federal and State programs for coordination purposes.

My own personal feeling is that we really cannot talk about coordination programs, or we can only up to the point of view of what few dollars exist, and that the key issue here is not coordination today. The key issue is comprehensive programs in each agency for farm workers and the Office of Education, of course, comprehensive educational programs; and I think that once those comprehensive programs are in place and are operating fully, then if there is a need for coordination it might be more meaningful and it might be more of a referral system than trying to share funds to provide services.

Thank you very much.

Mr. FORD. Thank you.

[Prepared statement of Mr. Roy Fuentes follows:]

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JOHN T. MCGARIGAL, Secretary-Treasurer
TERRY HERNDON, Executive Director

AN ORGANIZATIONAL DESIGN

FOR

MIGRANT EDUCATION

BY THE

NATIONAL EDUCATION ASSOCIATION

PRESENTED BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY,

AND VOCATIONAL EDUCATION

OF THE

HOUSE COMMITTEE ON EDUCATION AND LABOR

BY

ROY O FUENTES

DIRECTOR, MIGRANT PROJECT

NATIONAL EDUCATION ASSOCIATION

October 12, 1977

Mr. Chairman and members of the Committee, I am Roy Fuentes, Director of the Migrant Project for the National Education Association.

The purposes of the NEA, which represents about 1.8 million educators, are "to elevate the character and advance the interests of the profession of teaching and to promote the cause of education in the United States." Consequently, we are directly involved, through our members, with the education of migrant workers and their families. We are concerned that comprehensive education and equitable access to educational opportunities be provided to every migrant worker and child.

The NEA believes that the problems of migrant farmworkers can be solved and their lives and opportunities improved if the workers are assured of two fundamental rights. These are collective bargaining and education. Migrant workers must have the right to be represented in collective bargaining by an organization of their choice, and they must have the right of access to a wide range of educational opportunities.

The Problems

Mr. Chairman, history, in its peculiar twists and turns, has sentenced migrant farmworkers to a state of economic powerlessness. Today, their lives embrace the problems, conflicts, frustrations, and insensitivities that this nation faced generations ago on its way to prosperity.

Farmworkers, specifically migrant farmworkers, have traditionally been either excluded from, or at best only minimally included in, every major social and worker benefit program enacted into law. This practice of exclusion has created a migrant society outside the traditional and legal structure in America. As a result they do not have access to the normal channels for participating in or receiving the benefits from the system created to serve the citizenry. Further, this exclusion has also denied the migrant farmworker representation and an effective voice in the policy-making rooms of America.

The problems of the migrant farmworker include: low wages and seasonal work, unemployment and underemployment, limited coverage under labor and social legislation, job displacement caused by mechanization, critical health and housing needs, and little or no education.

NEA Commitment to Migrant Education

Mr. Chairman, the NEA Representative Assembly, the largest deliberative body in the world, affirmed its commitment to improve the lives of the nation's migrant farmworkers and their families by voting in 1969 to support legislation to ensure collective bargaining and education rights for migrant workers.

The NEA Board of Directors adopted a Program Plan for Migrant Farmworkers in May 1974. Designed to help the United Teaching Profession delineate its role and responsibility toward the education of migrant farmworkers' children and other migrant farmworker problems. the Program Plan set forth legislative, supportive, and coordinating strategies for Association involvement in migrant education. This involvement took the name, "NEA Migrant Project". Today, the Project consists of active thrusts to improve migrant education and ensure collective bargaining rights for migrant agricultural workers and work with state affiliates to institutionalize migrant farmworker programs at state and local levels.

The NEA Migrant Project has so far come up with two significant products and a defense of two important migrant programs: NEA's Migrant Project has developed "An Organizational Design for Migrant Education" which I will outline for the committee in the proposal section of my testimony. It has also helped establish nine Migrant Education Committees in NEA state affiliates in Arizona, California, Colorado, Florida, Michigan, New York, North Carolina, Texas, and Washington. In addition, NEA was directly involved in the effort to deter the U.S. Department of Labor from defunding/eliminating the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP). NEA recommended their transfer to the U.S. Department of Health, Education and Welfare. I will outline this issue further when I discuss legislative issues in migrant education.

Migrant Education

Congress is to be commended for its foresight and prudence in authorizing programs that will improve the education of migrant workers' children. Congressional action is most significant in light of the fact that the states have not assumed the leadership in migrant worker issues and have failed to provide funds for the special educational needs of the migrant workers and their families employed in the states. The programs authorized by Congress address the special needs of this highly mobile population and include: intrastate and interstate coordination between migrant education programs; use of the Migrant Student Record Transfer System (MSRTS) to transmit academic and health information between school districts and states and provide more accurate and adequate data on which to base funding for migrant education programs; and assurance that monies would be available for migrant education by the provision of a special "set aside" from the allocations to Title I of the Elementary and Secondary Education Act of 1965.

Migrant education has made a good start under the law with the guidance of the Migrant Branch of the U. S. Office of Education. However, it is imperative that Congress complete the construction of a comprehensive educational system for migrant worker families that it began in 1966 with the enactment of PL 89-750, amending PL 89-10 (ESEA). If a comprehensive educational system is not constructed, a valuable and promising program will deteriorate into another hoax for a much deceived group of American citizens.

Some Legislative Issues in Migrant Education

Mr. Chairman, at this point in my testimony, I will briefly describe some issues in migrant education that NEA wants Congress to address.

(1) Current legislation provides funding for migrant children between the ages of 5 and 17 only. This says, in effect, to migrants: "Here is a key to equality - education. But you may open the door to only one-third of the education you will need."

(2) Current legislation does not ensure academic continuity between academic levels; i.e., from pre-school through post secondary. This lack, combined with the permissive federal and state labor laws and the low wages of the migrant worker family, makes it next to impossible for a migrant youngster to aspire to get a high school diploma. Indeed, Mr. Chairman, most studies on the education of migrant workers indicate that ninety percent do not complete high school. In fact, the most commonly quoted grade attainment figure for migrant workers is 5.3.

(3) The position of the Migrant Education Branch within the U. S. Office of Education limits its effectiveness and inhibits its leadership role. This is evidence by the conflict between regular ESEA Title I programs which serve stable populations and

migrant education serving highly mobile populations. Some regulations for regular ESEA Title I programs are inapplicable for the administration of migrant education programs. There is also a great difference between the funding and delivery of services to these two distinct populations which are both equally in need. Migrant education currently receives 100% of its funding from ESEA Title I appropriations according to the Full-time Equivalency formula, but experiences delays in getting these funds In addition, the current situation of migrant education makes it difficult to reallocate funds expeditiously to meet the crises inherent within the migrant life cycle.

(4) Current legislation does not provide any kind of advisory committee for the migrant education program at the national, state, or local level; and they do not provide for representation of teachers of migrant students. The proposed regulations for migrant education by the U. S. Office of Education merely encourage the establishment of such committees or councils at the state level. Migrant workers as well as the teachers of migrant students are not currently assured, therefore, of effective representation in the setting of policy and implementation of programs affecting them.

(5) Federal research and development monies are not available for discovering and developing innovative and promising migrant education programs and establishing them, with modifications, in other states. I am referring to such innovative and productive

migrant programs as the California Mini-Corps (migrant teacher and health services training) and the Florida Learn-and-Earn (migrant vocational), and the Texas Migrant Council "instream" headstart program. Pilot projects on interstate credit exchange and basic math and reading skills information exchange that were designed by the states to utilize the MSRTS; however, the Migrant Branch does not have discretionary funds to provide on-going technical assistance for development.

(6) Handicapped migrant children will be served for the first time through the enactment of PL 94-142, "The Education of All Handicapped Children Act of 1975," although they are not specifically mentioned in the law. The Migrant Branch of the U. S. Office of Education has the capability to reach these children who, in addition to their handicaps, are affected by language difference, transience, lack of knowledge of the school system, and cultural alienation.

(7) Current migrant education legislation does not reach all the children it should reach. While preschool children have been included in the migrant program since 1972, there are many migrant children who are below the preschool age. However, since day care and preschool aged migrant children do not qualify, by age definition, under the current ESEA Title I legislative language - ages 5 through 17 - they do not generate federal funds for migrant education programs. It seems logical to conclude, Mr. Chairman, that monies are being siphoned from

other migrant education programs to maintain the preschool program.

(8) The orderly transition of the migrant student from the migrant education program to the regular ESEA Title I program is not definitely spelled out in the law. Legislation now is in Congress to reduce the number of years, from five to two, that a child may be considered a migrant, after leaving the migrant stream. We believe that two or five years, whichever, is meaningless unless there are programs designed to help the migrant family and student during this period of transition from a highly mobile life to a more permanent experience.

(9) Migrant secondary education programs are grossly underdeveloped. The general disclaimer by migrant education for this condition is that older migrant children must work to help supplement the meager wages of their families. Three obstacles still exist to the full participation of older migrant students in migrant education. Migrant education does not accommodate its program to the work schedule of the student, the reward factor is not sufficient to replace the loss of income brought about by school attendance, and assurance of accumulation of credit toward a diploma or degree is not made. In addition, the administrative placement of the High School Equivalency Program (HEP) - as well as the College Assistance Migrant Program (CAMP) - currently authorized under the Comprehensive Employment Training Act (CETA) has not been agreed upon. The results of the study

by the U. S. Department of Health, Education, and Welfare, authorized under PL 94-482, regarding the transfer of HEP and CAMP from the Department of Labor to HEW is long overdue.

(10) There are only two post-secondary migrant education programs. These are CAMP, currently funded by the Department of Labor from discretionary funds, and the California Mini-Corps, which is part of ESEA, Title I-Migrant. The number of migrant and ex-migrant workers enrolled in these programs is extremely limited due to a lack of legislation and funding.

(11) The areas of vocational, career, and adult basic education for migrant farmworkers is not addressed in legislation.

Some NEA Proposals for Improving Migrant Education

As I stated before, Mr. Chairman, the NEA believes that the acquisition of education and use of collective bargaining by migrant workers will end the vicious cycle of migrant poverty by enabling migrant farmworkers to upgrade their conditions within the agricultural industry or preparing them for leaving the agrarian way of live.

The NEA also believes that migrant education is still in a developmental stage and that when it achieves its full potential, it will contribute not only to the migrant farmworker family but to the American population as a whole - which itself has strong mobility characteristics.

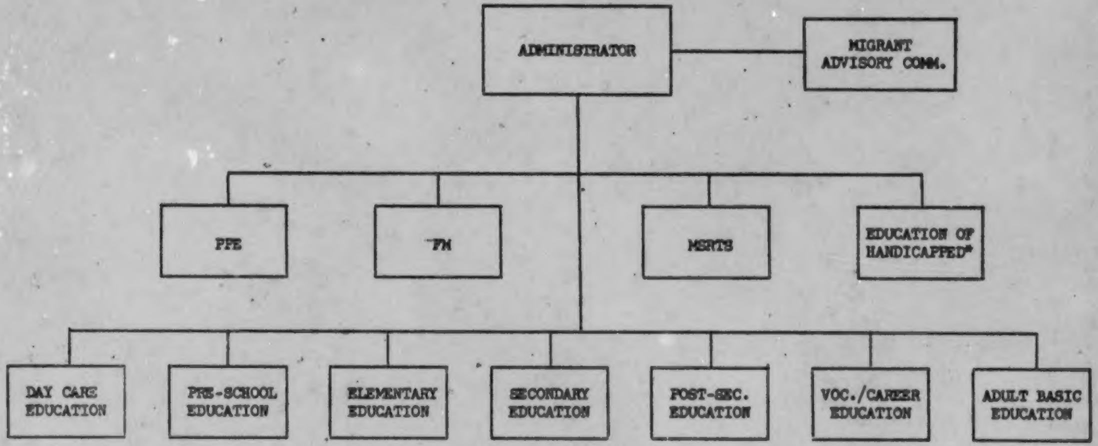
To this end, the NEA urges Congress to establish a truly national migrant education program that would provide national leadership in the areas of planning, funding, coordination, and evaluation. NEA believes that the long history of exclusion and deprivation requires that migrant education programs be kept together so that comprehensive and equitable systems will be developed to meet the multifaceted needs of migrant workers and their families.

An Organizational Design for a National Office of Migrant Education

Mr. Chairman, NEA submits for your deliberation and consideration, "An Organizational Design for a National Office of Migrant Education." An organization chart for such an office is attached to my prepared testimony. I would like now to take a few minutes to discuss the NEA's organizational design.

In NEA's statement before the House Subcommittee on Agricultural Labor on December 5, 1975, the Association suggested that appropriate and reasonable changes be made to ensure direct input by migrant programs into the policy-making process. At that time, NEA suggested that the Migrant Education Branch have direct access to the U. S. Commissioner of Education. After having reviewed much of the literature and reports on migrant education and having ent hours and days discussing the subject with individuals involved at all levels of migrant education, the need for a

ORGANIZATION CHART FOR MIGRANT EDUCATION


ADMINISTRATOR
MIGRANT ADVISORY COMM.
PPE
FM
MSRTS
EDUCATION OF HANDICAPPED*
DAY CARE EDUCATION
PRE-SCHOOL EDUCATION
ELEMENTARY EDUCATION
SECONDARY EDUCATION
POST-SEC. EDUCATION
VOC./CAREER EDUCATION
ADULT BASIC EDUCATION

*Integrated in all program components

PPE - Program Planning Evaluation
FM - Fiscal Management
MSRTS - Migrant Student Record Transfer System

National Office of Migrant Education began to emerge. The organizational design that I present today is the result of NEA dialogue with groups and individuals concerned with migrant education. I am certain that Congress will not disagree in the need for such a national office.

Administrator

A National Office for Migrant Education should be administered by an individual who has direct responsibility and access to the U.S. Commissioner of Education. Such an improvement of the position of migrant education in the administrative pecking order will enhance its leadership role. It will also serve to eliminate any possibility of subordination of migrant education programs to the equally important regular ESEA Title I programs.

Migrant Advisory Committee

NEA recommended, in its statement of December 5, 1975, the increased representation of migrant workers in the setting of policy and the implementation of migrant programs. Our statement also included a recommendation that teachers of migrant students be given similar privileges of representation.

I suggest in addition to current proposals to establish advisory committees at the state level that a National Migrant Advisory Committee be established and funded to work with the migrant education program at the national level. Membership for such a national committee should be drawn from parent advisory councils, specifically parents of migrant students, and teachers of migrant students.

Program Planning and Evaluation

A program planning and evaluation component would greatly improve the ability of a National Office of Migrant Education to provide leadership in developing and coordinating a national migrant program. Such a component would stimulate the replication, with modification, of existing model migrant programs; e.g., the California Mini-Corps and the Florida Learn-and Earn.

It would also benefit pilot projects involving academic credit and skills information exchange that were developed to utilize the Migrant Student Record Transfer System (MSRTS).

NEA recommends that research and development monies be made available to migrant education at the federal level to discover and help develop other innovative and promising programs that have gone unnoticed due to the lack of resources and technical assistance.

Fiscal Management

Mr. Chairman, NEA believes that the groundwork is well on its way to completion and that the dream for a better future for migrant workers will become reality when Congress develops and approves a national administrative design for migrant education. The establishment of a National Office of Migrant Education will do more than assure that a comprehensive, coordinated, and continuous educational system for all migrant workers and their families will be realized. It promises correction of the critical problems of late funding, piecemeal approaches, and inability to shift funds quickly to areas experiencing a great increase in the numbers of migrant workers.

When the National Office of Migrant Education is adopted and becomes an administrative entity, it will require multiple funding under various laws. At least three methods may be used to fund such an office: (1) appropriations under the authorizing legislation; (2) funds generated from the consolidation of programs under the new office, such as day care and preschool; and (3) "set asides" from appropriations under other education legislation that will be transferred to the new office. The rationale for multiple funding is based upon the vast network constructed by the migrant education program for reaching the migrant worker family and upon the system, partially realized through the Migrant Student Record Transfer System (MSRTS), to tie together all state and local programs.

I wish to emphasize at this point, that all programs in migrant education should be funded as they are currently funded under Title I; i.e., each migrant program should receive 100% of its funds according to the Full-time Equivalency formula. Furthermore, NEA believes that every child enrolled in a migrant program should be eligible under a continued five-year eligibility rule, for generating funds for migrant education programs; and that states operating summer migrant programs and incurring extraordinary expenses should be eligible for special consideration.

Migrant Student Record Transfer System (MSRTS)

While the local classroom and the individual student and teacher are the essential elements of education, the whole country may be made a classroom for the migrant student through the Migrant Student Record Transfer System (MSRTS). When the potential of this system is realized, the teacher will know that his or her work will be a valuable segment in a national educational process for migrant worker families.

The Migrant Student Record Transfer System (MSRTS) has made a good beginning in establishing a uniform national information system, but more needs to be accomplished before a maximum efficiency is achieved. Accurate, complete, and timely data must be analyzed, interpreted, reported, and fed into the decision-making apparatus of the migrant educational program; and a Migrant Student Record Transfer System component must be available to assist state and local migrant programs with their information systems.

Education of the Handicapped

NEA believes that services to handicapped migrant children under PL 94-142 should be made available through the Migrant Branch of the U. S. Office of Education. This office has the capability, as previously mentioned, to reach migrant worker families. Therefore, PL 94-142 should "set aside" funds for the education of migrant handicapped children by the various program components of the National Office of Migrant Education.

Program Components

NEA believes that migrant education will not progress much further without additional legislation and accompanying appropriations. Such legislation should be provided so that day care and preschool, elementary, secondary, post-secondary, handicapped, vocational, career, and adult basic education is available to migrant farmworkers. Each piece of legislation should contain the safeguards now assured for migrant education under ESEA Title I.

(1) Day Care and Preschool. While migrant education does provide services to preschool age children to free their school age brothers and sisters to attend school, and while it also provides services to about 40,000 migrant children from birth to age four, such programs need to be specifically authorized by Congress. Such authorizing legislation should specify that day care and preschool children qualify under the Full-time Equivalency formula.

(2) Elementary Education. NEA supports the continued development and expansion of the migrant elementary education program - the only segment of migrant education that approaches adequacy. The

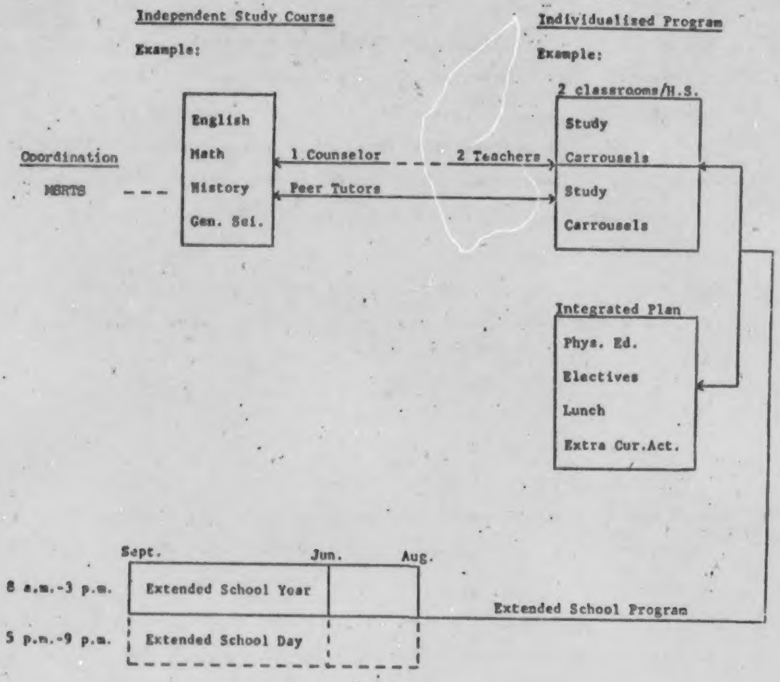
Association recommends that Congress retain the five-year migrant eligibility requirement; however, we urge that Congress provide definitive language to ensure the orderly transition of the migrant student from the migrant education program to the regular ESEA Title I education program.

(3) Secondary Education. NEA hopes that the Congress will authorize legislation requiring that migrant education programs accommodate the students' work schedule, providing stipends to supplant the students' loss of income while they are in school, and ensuring that the students' attendance at school will help them earn credits toward diplomas and degrees. I suggest that Congress consider authorizing a study of programs and ideas in migrant secondary education.

Among the many programs that should be explored as realistic and national secondary education programs developed for migrant students are: (a) the pilot project between Texas and Washington for interstate transfer of academic credits; (b) the High School Equivalency Program; (c) the California Mini-Corps has designed a program which accommodates the work schedule of students. The design is based on the U. S. Department of Defense Overseas Dependent School Program for isolated overseas personnel. The Mini-Corps' Migrant Mobile High School, the design for which is attached for your review, provides an extended school program and the storage and transfer of academic assignments and credits by

MIGRANT MOBIL HIGH SCHOOL

Design by
California Mini-Corps


Independent Study Course
Example:
Coordination
MSRTS
English
Math
History
Gen. Sci.
1 Counselor
2 Teachers
Peer Tutors
Individualized Program
Example:
2 classrooms/H.S.
Study
Carrousels
Study
Carrousels
Integrated Plan
Phys. Ed.
Electives
Lunch
Extra Cur.Act.
Sept.
Jun.
Aug.
8 a.m.-3 p.m.
Extended School Year
5 p.m.-9 p.m.
Extended School Day
Extended School Program

the Migrant Student Record Transfer System (MSRTS). The possibility of constructing a national classroom system through the Migrant Student Record Transfer System (MSRTS) should also be explored.

(4) Post-Secondary Education. There is an urgent need for Congress to enact legislation in the area of post-secondary education if migrant programs are to reach significant numbers of workers. NEA suggests a program of grants and scholarships as well as Congressional review of the College Assistance Migrant Program (CAMP) and the California Mini-Corps, the only two post-secondary education programs now in existence. I caution that the numbers of migrant and ex-migrant workers in these programs are extremely limited; the reasons for this are lack of legislation and lack of funds.

(5) Vocational, Career, and Adult Basic Education. Mr. Chairman, I began my presentation by discussing the need for comprehensive education legislation that will permit migrant workers to choose from a wide range of education opportunities. NEA believes that legislation for these programs will provide viable options for migrant workers. Again, we are concerned with education continuity and would ask Congress to make adequate provisions for career progression mechanisms. NEA urges Congress to enact legislation that specifies access to vocational, career, and adult basic education programs by migrant workers.

(6) Coordination. The NEA fully supports the requirements in migrant education legislation which call for coordination among state and local programs, interstate cooperation and interstate activities. However, we strongly recommend that Section D of paragraph 116-D.39, which reads, "the state program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Equal Opportunity Act of 1964" be changed to (D) "that the state program coordinate with other federal and state funded migrant farmworkers programs." In addition we strongly recommend that Congress provide similar language for coordination in the legislation of other migrant farmworker programs.

Conclusion

Mr. Chairman, I have outlined some of the administrative, fiscal, and program changes that NEA considers must be authorized by Congress if migrant farmworkers and their families are to have access to the benefits of our society. We hope that Congress will establish a National Office for Migrant Education and provide the safeguards and funds necessary for making education programs and services available to this important group of American citizens.

Mr. FORD. We will go on now to Mr. Jeffrey Newman, Director of the National Child Labor Committee.

STATEMENT OF JEFFREY NEWMAN, DIRECTOR, NATIONAL CHILD LABOR COMMITTEE, NEW YORK, N.Y.

Mr. NEWMAN. Thank you, Congressman Ford.

I am very glad to have the opportunity to appear before you today as the Director of a private, nonprofit citizens organization which has monitored, investigated and evaluated the migrant education program and urged its support since 1966.

We are particularly concerned with the migrant education programs' present and future. We have heard a lot of self-praise here today, and while some of it is justified, much of it is not.

I am particularly concerned that the committee recognize that the problems and failures of the migrant education program must not go quietly into the night.

I hope that some of you have had the chance to read our book, "Promises to Keep," a critical analysis of the migrant education program which was published earlier this year. (See Appendix 4.) It contains harsh criticisms of the administration of the program at the Federal, State and local levels, and while I will not go into extensive detail here, I would like to have the book included in my testimony for your consideration.

While we are extremely critical of how the migrant education program is implemented, we are nevertheless a strong advocate for the continuation and improvement of the program.

We recognize that tens of thousands of migrant children have been helped and served by the migrant education program, but we also recognize and feel strongly that tens of thousands of migrant children have not been helped who should have been.

In many ways, the migrant education program has failed to meet its goals and objectives, but we do not believe that it should therefore be abandoned. Any effort to meet the unique educational needs of more than 500,000 children, many of whom live in abject poverty, many of whom travel the country eight months of the year, many of whom do not speak English, must to a certain exent be an open process, constantly subject to re-evaluation and restructuring. We believe that the basic authorizing legislation is good but we are greatly concerned about the application, regulation and enforcement of the Act.

We firmly believe, and we think that all impartial evaluation have and will continue to bear us out, that the 1966 Title I Migrant Education Amendment has not been truly carried out. We have shown in "Promises to Keep" and others have shown elsewhere that the Title I Migrant Education Amendment is constantly being violated in both spirit and letter with little or no response from the agency charged with endorsement.

In short, the Office of Education, for whatever reasons, simply has not held States accountable for migrant education programs. Few, if any, specific enforcement or specific evaluation procedures exist, or if they do they are not utilized; and unless there is accountability and enforcement, as the committee well knows, the law can become meaningless.

This does not have to be the case with the migrant eduction program, but unless the Office of Education and the Congress concern themselves with correcting the situation migrant education will continue to fail large numbers of migrant children.

The following are illustrative of our concerns:

One, millions of dollars in migrant funds are illegally expended on nonmigrants each year.

Two, numerous States and communities with migrant education funds have no parent involvement and unless pushed by the Office of Education will have none despite the law's intent to include migrant parents in planning, development and actual programming.

Three, the Office of Education has promulgated new regulations at the height of the migrant work season, effectively preventing participation in the process by migrant children, their parents and their advocates.

Over ten years ago the Congress recognized and acted on the neglected educational needs of migrant children. The Title I migrant eduction legislation of 1966 was and is a good law, but in too many instances it is being ignored or subverted, and in too many instances the educational needs of migrant children are not being served.

We therefore urge the Congress and this committee in particular to conduct oversight hearings in the very near future.

NCLC, along with other agencies, stands ready to assist the committee in such an effort should you so desire; but whether we participate or not, we would urge that such hearings concentrate on seveal areas—for example, accountability and enforcement, unserved migrant children, parental involvement, bilingual, bicultural education and program staffing—and seek out testimony from migrants themselves and from advocates not affiliated with or employed by Federal, State or local agencies. Unless a substantial effort is made to gather this kind of testimony, a stream of one-sided, self-laudatory language will be all the committee will hear.

Further, in addition to and apart from oversight hearings, we feel that there are certain changes and supplements which could substantially strengthen the legislation and the program, and which would help to assure that the educational needs of migrant parents and children will be better served in the years ahead:

Like many other agencies, we are concerned with the three- to-five-year-old child.

One: As the law now stands, preschool migrant children ages three through five are only served where there are unexpended funds remaining in local educational agency budgets. What's more, when three through five year olds are served, unlike other migrant children ages five through 17, their participation does not under the law generate funding. In short, three through five year old children are not counted in the program and therefore money cannot be sought for them specifically by local and State agencies.

The basic importance of preschool in a child's educational development is now a recognized fact. We therefore recommend that Congress amend the statute such that three through five year old children are eligible for and can generate funding, and that appropriations be increased accordingly to accommodate this additional group of children.

Two: The overall Title I program mandates parent advisory councils; the Title I migrant education program does not. Though this does not preclude parent advisory councils in the ME program and though in theory the Office of Education encourages the creation of these councils, parental involvement in many areas of the country is woefully inadequate or nonexistent.

Many migrant parents do not even know that they can form parent advisory councils and they are discouraged from doing so by official inaction and silence. Yet without some kind of parental participation and involvement—and this is a crucial point—it is hard to see how an educational program supposedly designed to deal with the unique lifestyle of migrant farmworkers and their children can succeed.

Even in the new regulations recently implemented by the Office of Education, parental involvement is defined such that almost any community could ignore migrant parents without fear of penalty or rebuke.

We therefore recommend that the Congress amend the Title I Migrant Education statute to include the same language concerning parental involvement as now exists in Title I. This will assure the establishment and participation of migrant parental advisory councils in the planning, creation and evaluation of migrant education projects at the local level.

Three: In the 11 years since the start of the migrant education program the program's budget has grown from less than $10 million to Fiscal Year 1978's $145 million. Shockingly, during that same period the staff of the migrant branch of OE has not increased at all.

Though NCLC does not believe that all of the inadequacies of the migrant education program can be excused by the inadequate staffing of the program at the Federal level, it is clear that the program is in desperate need of substantially increased quality staff. The real needs of migrant children in the field cannot possibly be served if the central staff does not even have the basic capabilities of overseeing a $145 million nationwide program.

Therefore, we recommend that the Congress specifically earmark appropriations for the migrant branch of the Office of Education, thus eliminating the present cumbersome system which puts the migrant program in direct competition with and at the mercy of other needy Title I programs and assuring staffing which can begin to be responsive to program needs.

Four: In a number of States, State education agencies have ignored programs administered under Section 303 of CETA Title III, though these are the farm-worker-governed agencies within those States. When the Title I ME statute was passed in 1966, Section 122 al-b mandated coordination with these programs which were then administered under Part B, Title I, of the Economic Opportunity Act, EOA, of 1964. Since then, however, CETA has replaced EOA, but using the excuse that the law only requires such coordination with EOA programs, some States feel free to ignore what amounts to the only farm-worker-run programs.

The intent of Congress in 1966 was clearly to require this coordination. The transfer from EOA to CETA of farm-worker-run progrms does not change their importance to the delivery of wide variety of services to migrant families, nor does it basically change their importance to the State migrant education program.

We recommend that Section 122-al-b should be changed to read: "In planning and carrying out programs and projects there has been and will be appropriate coordination with programs and projects there has been and will be appropriate coordination with programs administered under Title III, Section 303, of CETA of 1973."

With the aforementioned concerns in mind, private and public organizations including the Migrant Legal Action Program, the National Council of La Raza, Program Funding Inc., the Youth Law Center of San Francisco, the National Association of Farmworker Organizations, as well as the National Child Labor Committee, all strongly urge the continuation of the migrant education program.

We thank you for asking us here today and if you have any questions we would be glad to answer them.

Mr. FORD. Thank you very much.

Looking again at the chart attached to your testimony, Mr. Miller, on the MSRTS enrollments, I notice that the 1971 enrollment figures were less than 150,000. Then by 1972 enrollments reached 250,000, and then flattened out from 1972 to 1974, and then from there, there was a dramatic increase from 1974 through 1975 until 1976, and then it flattened out again.

One might look at that chart and get the impression that suddenly there were hundreds of thousands of new people entering the migrant streams.

What accounts for the dramatic change between the years 1971 through 1972 and then again 1974 through 1976?

Mr. MILLER. Public Law 93-380 extended to migrant education the opportunity to serve five-year, settled-out migrants. I believe it was sometime in December of 1974 that the Office of Education actually came out with a directive to the State directors encouraging them to start immediately to serve five-year, settled-out migrants.

In doing so, they started a recruiting program and initiated a recruiting program in their States to get those children into the system. That is the reason that you see the big growth from 1974 up to 1976, is because for the first time five-year, settled-out migrants were being put into the system.

The other main issue that you see is the settled out there, when you look at the chart and you see almost 550,000 being in the system, that is 550,000 students who have been enrolled on the data base. The program only looks at children between five and 17 inclusive to count for funding, so if you go back and look at the recommenation, that 750 children would be enrolled on the data base, does not mean that the FTE would increase.

For all practical purposes, I think that you will continue to see the leveling out there of children and also the FTE leveling out.

Mr. KILDEE. Does anybody want to comment on that?

Mr. DE LA ROSA. Yes. I think Mr. Miller would concur with me that resulted in just five-year settled-out migrant children. It included interstate or first-year migrant children so the figures you see in the total data bank reflected 31 percent of the total population as settled-out migrant children. I do want that clear, because the original question Congressman Perkins asked was relative to the number of children included in the data bank and did we foresee a large increase in the future?

I believe that will not be the case. I think what we are seeing now is a stabilization due to the efforts in recruitment identification and we will be able to stabilize on a figure which basically reflects what we have right now.

Mr. FORD. At which point on your graph did the use of the MSRTS data as a basis for counting children and allocating money to states occur?

Mr. MILLER. 1973.

Mr. FORD. Where?

Mr. MILLER. We run it on a calendar year, January 1 to December 31, 1973.

Mr. **Ford**. We have some questions first for the Office of Education.

How does one answer the question of why we don't have regulations? It only took three and a half years to get the troublesome regulations written to enforce sex discrimination legislation and now we don't have permanent regulations for a program that was put into the law in 1966. What is holding them up?

Mr. **Rodriguez**. I am John Rodriguez.

Following the amendments for 1974, regulations were developed as proposed rules and published in July of 1975. A public hearing was held on those proposed rules in August of that year.

Revision to those regulations, according to the comments which were offered, were finally published in July of '77. Those regulations became effective as interim regulations, however, having the full force of regulations on September 5 of this year.

We proposed them as interim regulations in that there were a significant number of changes brought about as a result of the comments offered on the proposed rules. Because of these changes it was felt best not to issue them as final regulations but to again have a set of hearings to again further comment with regard to the impact of such regulations. We did hold five hearings during the month of August in five locations across the country to gain further comment. Again, it was felt that parents in home states didn't have sufficient opportunity to comment and impact these regulations. Therefore, three additional hearings are scheduled for the month of November, beginning on November 14, in the State of Florida, Redlands, Florida, I believe, and the 14th and 15th, 17th and 18th in McAllen, Texas, and on the 21st and 22nd in Indio, California.

We believe in these hearings we will have sufficient comment from parents to finalize such regulations. The process is going on now with regard to comments already offered in review and categorizing such regulations before they do become final.

Mr. **Ford**. That indicates to me the present situation is predicated on the assumption by the department that the regulations are not ready to be finalized because there are more people to be heard from who may want to make some contribution to the final form of the regulation and obviously there is some question as to whether or not they can be implemented forthwith without some kind of consideration for the dislocation of existing practices.

What did we do from 1966 to '76? How did we function without regulations?

Mr. **Rodriguez**. The migrant program operated under a general set of regulations for Title I which included provisions within certain sections of those regulations. There was not a clear and concise set of regulations devoted to the migrant program. A lot of confusion existed. When it was decided that new regulations would have to be issued for Title I, the migrant regulations as well as other state-operated programs were set aside in separate parts of Section 16.

Mr. **Ford**. How many professionals do you have in the migrant branch of USOE?

Mr. **Rodriguez**. Eight.

Mr. **Ford**. How many did you have the first year when the program was $9 million.

Mr. **Rodriguez**. I don't know.

Dr. **Rivera**. There were four. When I joined the staff, I was the fifth one, in 1968.

Mr. **Ford**. You have added four professionals while Congress has added $135 million to administer the program. It sounds as though somebody is cutting it off down at the pass in the Office of Education.

This Department of OE has not been given an opportunity to grow as Congressional intent might have suggested when the resources were increased to be administered by it. For years the attitude was that you did not need special regulations for migrant education; that it was a part of Title I.

Dr. **Rivera**. I would like to offer a comment on that, if I may, Mr. Chairman. I have been involved in the State of Arizona as migrant director and prior to that for two and a half years to three years, I was involved in a research project. When I came on with the program, it was not difficult to understand the entire program with respect to the migrant. It is the kind of program which came on, as my colleague here from NEA said. We need to finish the construction. What happened here is a program within which you are operating within Title I, run it.

We said to the states, here is a program with different operational aspects, run it.

There were things not done such as taking a look at the one percent administrative money, the operational nature of the program. That when I joined the office in 1968, it had been up to two, three or four people, whatever it was, to implement the program right away. It has been in that kind of context. The growth of the program internally is predicated on the growth of the division. So, if you recall two years ago in the hearings that your committee held at that time, I think it was November of '75, there was some testimony presented at that time from our deputy commissioner trying to address that issue.

I believe, and I think it is well recognized, that it is really not a question of money, but a question of function. I will stop right there.

Mr. **Ford**. I think it is apparent that the role the Office of Education is expected to play in administering funds for and giving direction to migrant education and the role the state departments play in migrant education, is very much different than for any other elementary and secondary program.

The criticism is leveled at your office in some of the testimony here—that USOE doesn't give enough professional guidance and direction to people out at the state level. That goes hand in hand with the claim that we don't give the states enough incentive in the form of administrative money. That starves the office at that level.

I might be able to get the cooperation from my colleagues on the committee to do something about beefing up the operation at USOE. But it might be somewhat difficult to get money reinstated for state departments of education since in some cases we are now paying for 80 percent of their budgets and some of us are alarmed at the amount of bureaucracy created by Federal dollars. In addition, we are faced with the dilemma that states may not use state resources if we don't come up with enough Federal resources. We may be forced to come up with more Federal administrative funds. Mr. Quie and I would be supportive of that if we could be guaranteed the additional money would be used for migrant education and not just go into the departments' general funds.

Reports have come to us from around the country that states are ingenious in being able to use Federal money for purposes other than intended.

Perhaps your office could be helpful in writing regulations governing use of federal dollars for administrative costs by states. That is something we might consider in enactment of this legislation. What I am suggesting to you is that the best way to get the additional administrative money is to guarantee at the state level it will only be used for migrant education and at the same time not to have federal dollars simply replace funding states were already using for this purpose.

Mr. DE LA ROSA. The objectives of a migrant program are reflected in the state plan which must be directed to the OE. Now, I know Mr. Rivera is restricted in terms of his testimony, at least I would conclude that he is restricted because he is being very careful with his wording, but you know, as a state director, some of us have submitted our state plans and we know how hard that staff works and we know how many state plans they receive, they must review, objective per objective, budgets.

Some of us during this current summer experienced a very difficult time with the OE in getting our grant. We, of course, called into the Office of Education and wanted to know the reason for the delay of the grant.

With the limited amount of staff Mr. Rivera has, he is required by his administration to fulfill the monitoring requirements of the states. While he had monitors out in the field, he did not have staff within his office to take care of reviewing our state plans to effect the grant expeditiously out of his office. So we found ourselves in essence saying to Mr. Rivera, either you get more staff and meet both the objective of executing the state plan and making our grant or you prioritize your activities and make our grant your prioriry. I have a gentleman here sitting next to me, he has done as much complaining about the situation as I have, but we have experienced a delay in getting the grant out into the state which ultimately has an effect on the services of the children and, Mr. Congressman, that is a very important point and I would like to tie it back to Mr. Newman's comments. They may have some validity. I would like to have them put in the context under which we are operating. These are tied to the staff. We are not going to get the kind of quality plans that really reflect the kinds of objectives and goals needed to meet the goals of the children.

Mr. FORD. You have to file an annual state plan.

Mr. DE LA ROSA. Yes, July 1 or under the new fiscal year it would be by September 31, if we want our grant to be effective October 1st.

Mr. **Ford**. How many Title I plans come in?

Mr. **Rodriguez**. They are submitted prior to July 1, generally, and are reviewed. However, they are hardly more than a set of assurances rather than approval of the migrant application.

Dr. **Rivera**. The migrant application, as spelled out in the directives which have governed this program since its inception, is basically an application as a local would be submitting to a state agency with the appropriate budgets and expectations. The review done in our office is thorough as best we possibly can because it is an estimate that the state is saying given all my experiences and where we are going to work in these areas, I am expecting to serve eight, nine, ten thousand children this year. This is how we are. In order to do justice to the program, there is a thorough review made in those applications in the process. Possibly there is not enough justifictaion, the activity is not spelled out or there may be a particular problem, we must then establish some communications with the states in terms of letters and phone calls to amend the phone calls for additional explanations. The applications, themselves, can be received any time before the 1st of July.

Mr. **Ford**. It seems to me we had a long exchange two years ago before this committee with Mr. Wheeler present. I thought we were coming to a meeting of the minds when you conceptualized the activities of the Migrant Education Program as being comparable to that which the state department does for other Title I programs and you spelled out for us the difference in the demands on your professional staff in processing migrant applications or state plans in contrast with what you have to do after the state department has finished with the normal Title I program. Has anything changed since that exchange took place two years ago? We haven't done anything legislatively. Has anything changed to improve your capacity and manpower to meet this additional work?

Dr. **Rivera**. We have had assistance on behalf of other offices to take some of the other load such as reviewing of evaluations, for instance, some statistical work that is necessary, the identification of exemplary projects.

The Title I staff, itself, also has a multitude of responsibilities within the total scope of the Title I program. So it does create difficulty internally. Our office can only see its responsibilities within a nice little tight framework. After you look at the responsibilities of Title I they are also of tremendous magnitude. One thing it did do is it made us go back and set up a more definitive set of criteria to see if we could improve the processing. That has also been spelled out in terms of the interim final regulations in which this guidance is provided.

Mr. **Ford**. The plan for cutting out reporting will reduce the number of required reports from some 65,000 to 30,000. I assume there is a mad scramble to rewrite job descriptions in anticipation of that. Maybe we could use the office of the chairman of this committee to suggest to the Office of Education that some of this excess professional capacity could be directed toward easing your loads in Migrant Education. He is also talking about some sort of a time submitting reports so that all the plans don't hit the Office of Education at the same time. It is something we would also like to ask you to direct your attention to in terms of where you can get additional assistance at the time you have all the state plans coming in.

How many states are now participating?

Dr. RIVERA. Forty-six states, calling Puerto Rico a state it is 47. As of Friday we had processed 33. I believe when I left on Friday we had six that had already been reviewed and were in the process of being signed off and congressional notifications made.

Mr. FORD. Which states are not participating?

Dr. RIVERA. Alaska, Hawaii, Rhode Island, New Hampshire. Those four.

Mr. FORD. New Hampshire.

Dr. RIVERA. New Hampshire was participating. And the data we were receiving from the Department of Labor at that time, I believe, gave them a grant of some $24,000. They felt with the task necessary to develop a plan and assume the responsibility as laid out for the state agency, they felt with that limited number of children they could identify in the state they could serve them without having a special program. We did get involved with Alaska, two years ago, and did provide them under our reallocation authority some funds to get started to identify if they had.

Particularly the fishermen and some of the migratory children showing up in the MRTRS and they reported they didn't have them in sufficient numbers, they could handle them. The same with Hawaii. Of course, something different is happening in Hawaii. They want additional information because an employee of the President's Advisory Council is actively involved in this program in Hawaii.

Mr. FORD. Counsel calls my attention to the fact that in earlier testimony from the National Center for Educational Statistics, a figure was produced indicating 20 percent of all the incoming paperwork at the Office of Education is generated by your office. Perhaps we could talk to the commissioner and note that 20 percent of the paperwork is being required for 145 million out of a $5 billion package. Four billion or whatever it takes to get up to it. I have so much trouble with millions, I can't figure when it comes up to billions. It only generates 80 percent.

Dr. RIVERA. That statistic is interesting because it is the first time in any report we have ever come out No. 1.

Mr. FORD. I will recognize Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman.

These questions Chairman Perkins would like to get into the record, so I will ask Mr. Rivera to respond to them.

The Library of Congress found two problems with the legislatively-required annual evaluation reports from the States. [See Appendix 3.] The first, as of a week or so ago, only 11 reports have been received, according to the Library of Congress, from the States for the previous year, Fiscal 1976; and, second, there is no unformity in format or content of these reports, so that some reports are very poor, only a very few very good. Again, according to the Library of Congress.

Do you have any comment on that?

Dr. RIVERA. Yes, I do. On the reports, I believe it was Mr. Jordan who was in our office for about a month, going over these things.

Let me address myself, first of all, to the format. We do not have at the present time other than a format for the evaluation. We leave that basically up to the State. Over the period of years we have provided some minor kind of assistance in terms of evaluation with respect to a short form of what kind of data that we were looking for.

His question, I believe, to me at that time was, did we not have a little more sophisticated system than that? And my answer was no, to him, we did not.

I have Dr. Hulten who is here from our office of Program Planning and Evaluation, and we have been doing a study that was funded.

Would you like to address yourself to that? One of the components in that study was to do this?

Dr. **Hulten**. I am Burma Hulten, from the Office of Planning, Budgeting and Evaluation, John Evans' shop, if you know that.

We have had a study that is in progress since February, 1976, under contract with the Research Triangle Institute and part of that mandate was to make recommendations for the development of an evaluation system that would meet the needs of Section 151 of the Title I legislation requiring that the Commission publish evaluation models.

That report will be out very shortly and we will be sharing the recommendations with the State directors at their upcoming meeting in December.

Basically, in trying to design such a system, it becomes quickly apparent that the migrant is really a national child and it is very hard to tie such a child to one project, as occurs in the evaluation system being developed for the regular Title I program. So the core recommendation being made by the Research Triangle Institute is that we have some kind of a system where migrant children are tested once a year, sometime in the fall, and that that information be systematically entered on the migrant record transfer system and that the data indicating achievement information be turned over to the U.S. Office of Education for analysis.

That sounds easy, but that is very difficult to imagine trying to get the logistics of all that going, and we are at the stage of presenting the idea to the State directors and others and exploring them further.

We are also going to be doing an impact study and a lot of the information needed for such an evaluation system will be collected by our contractor during the impact study, and in that sense the feasibility or the ability to collect that information.

I think the best I can say is that we are in progress as far as giving assistance to the Migrant Program Branch in making these reports more useful, in providing comparable data.

Mr. **Ford**. As soon as you have that study I think it would be helpful if you could make it available to us, so that the pertinent parts of it could be made a part of the record of these hearings.

I believe it is the Chairman's intention to break out the hearings when they are published by subject matter so that there will be one central place where all of the testimony with regard to the migrant program will be found in a different packet than the general testimony on Title I.

We don't know how this Library of Congress study was initiated. It has very recently come to our attention, but we would like to have your office take a copy of this and go through it and then submit for the record your comments wherever you think they are appropriate.

Dr. **Rivera**. Mr. Chairman, I would like to take a look at that. Our office would like to take a look at it, because I believe possibly there might be a mistake there. It might have been 11 that have been received for 1977 already and, I think, sir, you said 1976. No, there are more than those, but I will go back and I will pull out the ones that we have received already.

Mr. **Kildee**. According to this, in 1976 eleven were received. Mr. Chairman, in the State of Michigan we don't have the services of the Library of Congress, so we use our Auditor General to perform audits, and he generally gives the person audited, or the agency, a chance to look at it and respond before they finally turn it over to us. Does the Library of Congress do that?

Dr. **Rivera** Mr. Jordan was in our office and he just gave me a brief overview of what they had been doing, and we provided as much time and personnel to help him out, not as much as I would have liked to, but I know he lookd at applications. He looked at just about everything.

But I would like to come back and look at that one issue on the evaluation because there are more than 11, absolutely, because it is a requirement in our program as well that the evaluation for the previous year be submitted into our office as part of the application process. That is a method by which we can have the evaluation.

Mr. **Kildee**. Mr. Chairman, an additional question relating to the same study by Mr. Jordan: According to the study, the Office of Education tried to collect only ten percent of the funds which the HEW audit showed to be misspent in the program and that you have actually covered only one percent of the funds.

Do you have any comments on this? It would appear to be, according to this, not a good record of program management.

Dr. **Rivera**. Would you like to respond to that, John?

Mr. **Ford**. I don't know where that appears in the report, but this is an old song with Title I, and as a matter of fact this committee has discouraged the Office of Education from being as zealous as they tried to be in the past in auditing exceptions, because it has a tremendous dampening effect on developing Title I programs.

We have found some really ludicrous aduiting exceptions in the past that were technically correct but just killed a very promising programs. For instance, in the City of Detroit, they found that their closed-circuit TV worked so well in the Title I program that they decided that all the kids ought to be exposed to it. Then U.S. O.E. came in and said, "No, you can't do that; you can't let anybody else see that material of the Title I show because you are not targeting it."

The superintendent in Cleveland had a great program in which he used foundation money to hire the Cleveland Symphony Orchestra for a week at union scale to sit down one on one with music students out of the Cleveland school system. The students played for a whole week, with these top professionals, and the only Title I money that was used was to transport kids, and for a couple of teachers who cared for them and saw to it that they got back to their school. In the audit, OE discovered that there were a couple of kids who didn't come from target schools, so they made an auditing exception in spite of the fact that the Title I money represented a very small part of this imaginative program. I suppose the superintendent is still trying to explain what happened to these musicians who thought they were participating in some really great project.

As a result of those kinds of stories, we have actually not tried to press hard for aggressive recovery of misspent funds when it occurs with that kind of technicality.

Obviously, if it were misapplication of funds that was not in keeping with, or in spirit with, what the legislation was trying to accomplish, we would be supportive of strong auditing efforts. Perhaps you would like to give us some idea of the kinds of so-called misspent funds that are included in their ten percent figure.

Mr. **Kildee**. Before he responds, I would like to concur with Chairman Ford's comments on his feelings as to a possible chilling effect that auditors can have. I think we want to give flexibility in achieving the purpose of the program, and I think very often auditors can have a chilling effect, and we certainly don't want that.

Dr. **Rivera**. If I may, just as an aside, respond to that, we have a State right now, my home State of Arizona, that has been audited twice. We have a concept in migrant education, as you have heard the gentlemen speak today, and also the people from the other agencies, and that is that the migrant is entitled to an education just like, as they say out in the field, regular Americans, is what we hear. However, on the other side of the coin we also know that migrant funds can only be spent for migrant children as supplemental to everything else, including Title I and other programs that are in operation.

The case in point is that we also believe that the migrant child should be mainstreamed instead of set aside, so the State of Arizona was mainstreaming children in a classroom. They had a number of bilingual migrant youngsters. They had a migrant bilingual aide who was working with the migrant youngsters in the classroom. The teacher was a non-Spanish-speaking teacher provided by the school district. We were coming in in support of the migrant children in that classroom.

When the auditor was there, he happened to observe the teacher or the aide had talked to a nonmigrant bilingual child who was a Title I child, and that, in effect, is a no-no.

That is basically a kind of general aid, so this has happened to him twice in the two audits.

I just got a call from him not too long ago, from the State director, saying to me that he was going to pull out the migrant children. If he pulls out the migrant children—they are all Mexican-American—he has already been gigged by civil rights once before for pulling them out, so he said that the civil rights people do not ask for the money back, so that he would just as soon pull the kids out.

You see, that's the kind of logic, so to speak, that is a by-product of this, whereas on the other side of the coin a State that does pull them out then gets civil rights in terms of segregation.

I would like to have Dr. John Rodriguez, who has been very involved with this, possibly address it. I just gave you a little anecdotal kind of thing. When we say misspent funds, it is an interesting kind of thing. There are degrees of misexpenditure of funds. A migrant bilingual aide who is assisting the local teacher because a bilingual nonmigrant student in the classroom needed some help is a misexpenditure of funds, or someone who decides to go somewhere else with the money is also a misexpenditure of funds.

Dr. Rodriguez. I am not able to address specifically that question with regard only to migrant education, but can talk to the overall audit situation with regard to Title I. If that is what you would like, I will be glad to proceed.

The HEW audit agency has issued reports which total $274 million for all of Title I programs. Of this amount, there were several large audits which were not sustained by the Office of Education. Two examples which total $97 million involving the State of Pennsylvania and Puerto Rico in the early years of the program were not sustained by the Office of Education. In fact, the Office of Education has only sustained about $61 million of that total amount of $274 million.

In that amount of $61 million, there is more than $16 million that was unrecoverable and barred from recovery by the statute of limitations.

Mr. Rodiguez. There were portions of that audit balance which involved one city for about $25 million. Whether or not that will be recovered or not remains to be a question. The balance of those funds are in the process—let me go back. There were about $3 million of that money that has already been either refunded or program adjustments have been made at the state level to recover those misexpenditures. The balance of those moneys are in process through the audit hearing board which is an appeal process that the state is entitled to, once the Bureau of Elementary and Secondary Education has made a determination that these audit exceptions have been sustained by OE. So, they go through this hearing process before a hearing board and recommendations are then made to a commissioner who will make the final determination with regard to the balance of these dollars.

Mr. Ford. Thank you very much.

I recall with counsel how the five-year statute of limitations was put into effect. We discussed it in great detail in 1974, when we were considering the general education requirements. Both members of the Senate and House committee were alarmed at the direction the Office of Education was going. They were going several years back and picking up audits and using the outstanding alleged misuse as an excuse for holding up funds. That is how the five years was put in. The effect was to literally forgive everything that happened in '66, '67 and '68, at that time. It might be necessary for us to re-examine that whole aspect of audit exceptions while reenacting this legislation, but if you would send a specific communication to us with regard to the alleged 10-percent and characterize the nature of these audit exceptions for us, it would be helpful in determining how much value someone should put on that kind of allocation.

Dr. Rivera. Congressman, an exception can be taken by a state for an activity not in their plan, though it may be for migrant children. There is a technical portion of it when we approve a laundry list against a certain amount of money, if a state decides to move; just to keep the record straight, an exception could be taken there, also. That has been the case in about two or three of the states' audits in pieces. The activity was for migrant children but it was not an approved activity within the scope of the plan.

Mr. Ford. We would like for the auditors to realize they are not working for the IRS and that the audit should be tempered with the provisions of the program and a little common sense.

We heard a horror story last week about the possibility of cutting off Title I funds in the State of California because of a heated exchange between the Federal Office of Education and the State Department of Education regarding teacher who was teaching in the school but didn't reside there. California requires that one-half of the advisory committee must be parents of children in the school and that all members had to be residents of the school district. It produced a ludicrous situation in which you have a teacher living 20 miles from the school district, eligible to serve on a school board where she knows nothing about the school or the students. On the other hand, she is ineligible to serve on an advisory committee where her whole career and daily life is spent. From what I heard, had the director not intervened, the deadline would have passed and California would have lost some $134 million.

There is nothing that happens with these audits that comes as a surprise to us any more. It makes us hesitant to believe the assertion that 10 percent of the money is misspent and only one percent has been recovered.

Mr. Youngblood. Congressman, we have an audit exception in North Carolina, about $19,000, seven years old. The nature of the exception is that we serve some migrant children that were over the age requirement. We have a program direct from the Office of Education saying that you operate your program according to your state's eligibility requirement. In North Carolina there is no maximum age requirement. A child may continue to be in school until they complete the 12th grade program. All officials have approved this and for seven years we have been coming to Washington trying to resolve our $9,000 misunderstanding. We have spent quite a bit of money in doing this. We think we have met the intent of the legislation and we don't know where we are going with this.

Mr. Ford. Would you invite A. Craig Phillips (North Carolina Superintendent of Public Instruction) to meet with us the next time he comes to town and talk to the commissioner about that?

Mr. Youngblood. Yes, sir.

Mr. Ford. I note in Mr. Rivera's statement on page 2: "The formula for computing the maximum grants states will receive is based on the full-time equivalency of school-aged (5-17 years old) migrant children residing in the state. Unfortunately, the true number of migrant children is not known. Previous to FY 1975, estimates of the number of migrant children for each state were obtained by multiplying the number of migratory workers residing in the state (information provided by the employment offices of the U.S. Employment Service) by 75 percent."

When you say we don't know the true number of migrant children, do you mean that to apply to the total population?

Dr. Rivera. To the universe, that is correct.

Mr. Ford. You don't mean we lose them after we get them identified?

Dr. Rivera. There is a possibility there but actually I was referring to the universe of children eligible for the program. That was brought out in Mr. Newman's testimony as well. With the situation as it is, with children moving around, there are some that are lost. The number of children we have identified and served in the program is the figure we are giving there and Mr. Miller has also given. However, that doesn't, in itself, state the universe of children out there.

Mr. Ford. One criticism in the Library of Congress report centers on computing the prorata share of a year that a child is in school. If the child was in school in Michigan and didn't reenter another school in another state or subsequently the computer, the state would continue to get credit for it.

Dr. Rivera. Yes, that is correct.

Mr. Ford. The question that leaves me with is, so what? What does that mean in terms of allocation of resources of the program?

Dr. Rivera. As I said originally, what we have determined based on the formula for allocating funds, we have tried to give you a picture of what was happening before based on statistics of adult workers coming from the Department of Labor when we had a Committee of State Directors because we wanted to place some equitability in the formula we had. If a migrant child is eligible for 365 days and he does move from place to place how can we assure the money will follow the child? It was agreed upon by the states that when we went to the—if the State of Texas enrolled a child in Texas the moment that child is enrolled by Texas then Texas begins to accrue the full-time equivalent on that child. Up until the time another state identifies him and enrolls him in the system cutting the State of Texas off and putting in the State of Michigan, the benefits will continue to identify to the last state.

The state directors then said, we will have to stand at the state lines to make sure we have the appropriate money to serve them. The response was if that is what is necessary that is what will have to be done.

Unfortunately, there are children we have found and we call this to the attention of the states through the ISEMS report. In Jesse's state, if he has identified some children coming from, say, Candelaria, Texas, they had no method of putting him in the system, the ISEMS report, when we enrolled this child, yet in our computer system we have, it assists the State of Texas to go out and identify the child. You may have a migrant child who moves from four or five states. Then whatever part of that 365 days is accrued by that state, that is what the full-time equivalent is. This gets back to the case brought up two years ago as to fully funding. We have been doing statistical analysis with respect to entry and withdrawal from the system. It can only begin after you have enrolled the child, identified him and put him in there. So is a five-year provision child good for one full FTE? That is incorrect. If you don't identify him as a former migrant until June, then you can only accrue starting at that moment. That is basically how the allocation system works. In those states where they have done a good job of identifying and recruiting children and then the states who don't have projects, we try to assist them through the ISEMS report to identify those youngsters.

Mr. FORD. Mr. Rodriguez, is it a fair assumption, given the present state of the statutes that Title I, which is itself an amendment to Title II of the old Impact Aid law, unlike impact aid which goes by a formula computing the impact on the school district, may or may not ever end up being spent on a particular child. In general Title I funds are based on a combination of census statistics and a poverty index that create an entitlement for a school district. Then within the school district, the money goes into so-called target schools. But once it goes into the target schools, there children are not specifically identified to participate in Title I. In fact, the only two groups which actually have to be in process of being educated in order to qualify for funding are the handicapped and migrant children. Is that correct?

Mr. RODIGUEZ. Yes, with the exception that within Title I, once at the school level the qualification for participation eligibility is on the basis of educational deprivation rather than economic deprivation.

Mr. FORD. But there is no requirement that you screen a child out as a Title I child. Just attending the school entitles them if they have a need. But if you have a migrant child, you have to be running a program specifically for that child in order to get your money.

Dr. RIVERA. We have in the Office of Education through the Office of the Deputy Commissioner, we have a validation process in which in order to assure the commissioner of the proper approach to take, and that was spelled out in the GAO report of September 16, '75, if you recall, we have a validation which goes on. In other words, individuals come out of the Office of Education or the Deputy's office and they go into a particular state and what they do is validate the report to make sure those records do represent a child. That is to assure the commissioner that what we are doing is valid.

The last one done was in Florida and I think out of the total number of records there were three that were pulled out only because they didn't have proper documentation on all on them. I think only one was justified as a non-migrant child. That is a very, very low error factor.

Mr. FORD. Mr. de la Rosa, your State of Washington is a receiving state?

Mr. DE LA ROSA. Yes, sir.

Mr. FORD. What is your response to the suggestion that the settled-out migrant, under the current funding mechanism are increasing in numbers to the point where there is a burden on the whole of Title I funds?

Mr. DE LA ROSA. I don't subscribe to the argument. Our state has done an effective job of recruiting the migrant children and we have a substantial percentage of settled-out migrants. But I would like to go back to the testimony Mr. Youngblood entered here because it does speak to the issue. In the rural school districts based on the funds received under Title I, there is no way the district can provide both the instructional support for the Title I children and for the migrant children. Remember that most likely these children will impact the very schools targeted as Title I. Thus the number of students in the category of disadvantaged is very, very large. What happens in that particular case is that there are not sufficient funds to cover the needs of all the children. The migrant program comes in and complements what the Title I program is doing. We retain harmony with the community and the teachers because they recognize if it wasn't for the Title I funds some of the children prioritized by Title I funds would be bumped by the children coming from the migrant streams.

There is a question as to whether we are supplanting Title I regular. We look at all the services available under Title I to make sure the Title I children are covered. In the case of staff, bilingual in particular, our program is being faced with 80 percent of our children in the state being bilingual. Our program comes in and supports those not covered. Even if a migrant student settles out and is bilingual and is provided services under the Title I program, the chances are he wouldn't get access to the programs he would otherwise have access to under the migrant program.

Mr. FORD. Would you like to comment?

Mr. BOVE. Yes.

I am Richard Bove of New York.

In New York we receive $622 for a child in residency for 365 days. If a child were in New York for 30 days and was a true migrant, we would receive approximately $51 for the time the child was in New York. We would supply supplemental education, health, transportation, we will supply necessary nutritional programs, visits to camps in the evening and a recruitment program. I think immediately you can see we may be a little strapped for money to meet all those kinds of commitments to any given child.

On the basis of funding for the five-year child including all children who are true resettled, then the dollars come in and we take a look at the children as to given priorities.

Take the resettled child who decides after the first year to stay there. Title I doesn't pick him up for a long time because they are underfunded. They have an allocation but it is awhile before a district realizes the child belongs permanently to a district. At that time, the resources of that district are moved to meet the child's needs. The time factor alone precludes us from doing much for him if we don't receive funding for him on a longer-term basis than the one year. We indiscriminately serve 0 through 21 years because we have been told we have to. That group generation to dollars so given we get $1.70 a day and spread it over the 0's to 4's and the 17's to

20's. Given those factors, I think it is rather a miracle of the loaves and the fishes how the money does get out there.

Mr. **Ford**. Is it a fair assumption, also, that what you call the true migrant—the child actually migrating with the family—probably wouldn't produce the right kind of statistics to get a school district in New York the money anyway? This happens apparently because the family income will exceed the Orshansky level of poverty unless that child goes on public assistance and gets picked up by the surplus?

There is concern on the other side of the aisle that has been expressed about the double counting; that the characteristics of the migrant automatically mean that once they show up in the state, the migrant funds qualify that child for that money. Does that sound reasonable to you?

Mr. **Bove**. I think that issue could be explored, researched and there might be something we can do and answer in terms of the identification factor and the whole bit.

Mr. **Ford**. I think it would be helpful to us if all the people who are here would anticipate that when during markup of this legislation, there will at least be the suggestion made that we do some tinkering with the settled-out migrant portion on the theory that there is double counting going on, that one child is qualified in a school district for two pots of money.

Of course, the unrealistic thing about that argument is predicated on what you just said. If you had them for a year you get $600

What is the average per pupil expenditure in New York?

Dr. **Bove**. It is over $2,000 now and usually we do well but the Orshansky thing kicked New York hard.

Dr. **Rivera**. Mr. Chairman, I would like to just add something to that. That is making some assumptions, of course, that a migrant child is double. He is eligible for both programs. Being eligible is one thing; being double counted is another. That is assuming, of course, if the child resides in the target school as selected in that school district; secondly, that the criteria that have been applied for the eligibility of Title I children, and if they are zeroing in at the fourth grade reading level, at the migrant child at the fourth grade reading level, and I said in my testimony that, as the statute says, that migrant child will be served. There is a whole gamut of services we provide at the fourth, fifth and sixth grade levels as determined by the need of the child.

In the State of North Carolina—I know Bob works very closely with Title I and we were just talking to some of his teachers the other day from the Raleigh area there where we have a new program going in terms of settled-out migrant youngsters—they have zeroed in, I think, at the fourth and fifth grade reading level there, but there are migrant childen on both sides of that that have not been in any of the Title I programs. Those children that are eligible for the Title I will receive the Title I services, and things that are supplemental to that; that is what the States are doing.

Mr. **Ford**. Does that result from the situation of where a migrant decided to live?

Dr. **Rivera**. Yes. The interesting kind of factor that is involved in this thing is, in our program reviews and our monitoring that we have gone out to see—and many of the State directors have said this to us—that if a child has double eligibility in a particular target school within a particular area that we have decided, there is a tendency to pull that child out to provide migrant services to him, thereby creating five or six more slots in which nonmigrant children are dropped in at the second category. In other words, if you have a class of Title I youngsters of 15, five of those children have double eligibility in terms of being migratory, formerly migratory.

There has been a tendency for local school districts to say, "He is eligible for migrant program services, and we have a migrant program over here so we will put him there." That is five slots they opened up, so that is an interesting kind of residual that is coming out of this.

To say totally that five-year provision children are also eligible for Title I is true, but whether they are in that particular area where they reside and in that particular target school and in that condition that the school has set out that they are going to zero in their services, then you have narrowed down the field to a very small number of those children.

Mr. Miller provided me some data the other day. In looking at this issue—we were discussing this with Mr. Jordan—he provided me some data and we looked at how many big cities? Chicago? We looked at 12 large cities—Los Angeles, San Francisco, Houston, Dallas, Chicago, New York.

Of the total number of children that we have in the system now—I think it is 518,000 we are up to now, total number being served, or 511,000—of the total number, and this is not saying that they are in the target schools; they may be just on the periphery of these large school districts, but less than two percent had the I.D. number of determinants that covered that area, so it could be covering a lot of other school districts. That is as close as we could get, but less than two percent could be considered as living in those high concentration areas where a lot of the Title I funds are programmed. Detroit, I think, was another one.

Dr. **Bove**. One last consideration I wanted to make on the receiving State aspects was that very often in the northern States we provide summer schools for the kids because they start coming to us in April and May. In providing summer schools, there are no services for the most part in any of the districts available in the summer. Therefore, the funding that you generate at $1.70 a day, or whatever, has to buy a total school program in a summer situation, that costs in New York State $5,000 per class.

It cost me last year for 200 classrooms in the State to be operating with 12 and 15 kids in those rooms, $1 million. Next year I think we cancel those because at that kind of cost factor, generating what we generate with no other co-funding that is possible in a summer situation, we look at alternativs as to what to do to keep the kids out of camp situations for the summer but all alternatives are costly.

Strict education programs emphasizing math and reading with one teacher per 15 in a school situation is the most expensive.

Mr. **Ford**. Do you have any questions?

Ms. **Larsen**. Yes, just a couple.

One is, to make sure I understand what you are saying, Mr. Rivera, with respect to the migrant education and the Title I funding, and that is that while a particular child, the settled-out migrant, may be counted double, counted in terms of qualifying the district to receive funds, that they may be double counted through eligibility, and what you were saying, I gather, was that that does not mean that they participate in both programs, so that in effect what we are getting is a double count on Title I and then migrant education providing the services. Am I hearing you correctly?

Dr. **Rivera**. I think, first of all——

Ms. **Larsen**. There is a possibility?

Dr. **Rivera**. Yes, there is a possibility. However, you have to recognize that the migrant youngster who is counted twice—I don't like to use that term, but the youngster who is counted or is eligible to be counted is counted for a State's allocation, not the local school district's allocation, for the State. The State then chooses to place its program wherever it deems that it should go, and for what services it should go.

If a child resides in the target school and that child has been identified as a migrant as well as a settled-out migrant, let's say, up to five years, then he will be counted for the migrant allocation and could have been counted in terms of the total eligibility, and I don't know how that works basically in terms of Title I for the Title I allocation to that local school district. However, the migrant youngster generates the funds for the State. That is how he is counted. He generates that full time for the State, for no one else.

Mr. **Ford**. Except there is a further refinement that prevents the likelihood of very much double counting. The two factors used for Title I are 1970 census data which counted the economic status of children someplace in 1970. But the children we are talking about now may or may not have been in existence at the time of the count.

Dr. **Rivera**. Yes.

Mr. **Ford**. The only kind of child in a receiving State that likely would be counted in any way at all for Title I funding would be an AFDC child, and then only if he or she was from a family on AFDC exceeding the Orshansky formula.

Ms. **Larsen**. That may be. I was particularly interested in the school district level, where a variety of indicators can be used, school luncheon and a number of other things, where a yearly allocation of the child, I think, would be more likely to show up.

Dr. **Rivera**. I think Mr. Bove was talking unemployment. In fact, he told me that the five-year provision child as the first year developed would not be included in anything. The second year he most likely would not be included. The third year—you called it soft year—that is what we really look at. We can see that the services for the fifth year out migrant youngsters are basically on supplemental kinds of tutorial programs and that kind of business.

The majority of the funds are zeroed in on the first and second year out child, but the State then, and the local school district, determine the activity and the level, so that in double counting, using the data from 1970 AFDC and what have you, and knowing migrant families don't necessarily run down and sign up for welfare payments, not until they are finally forced into it—like a gentleman told me the other day in California, a migrant parent—when we were there on our hearings—he said to me, "Mr. Rivera, I went over to sign up for a CETA program and one of their qualifiers said I had to be unemployued for 15 consecutive weeks." He said, "I have seven kids and I can't afford to be unemployed for 17 weeks", or whatever it happened to be.

What I am saying here, basically, is that there is a possibility, yes, but I think we can come back and take a look at what the magnitude of that possibility is.

Ms. LARSEN. My only other question, again, has to do with this difficult area of the overlapped migrant education Title I. Almost all of the Title I dollars are spent in the lower grades with the five year follow-on for settled-out migrants. That would imply that a fair amount of that money would be spent at least in the junior high school, possibly the secondary grades, and from what you said about filling in on either side of the Title I program, I would gather that we can look to migrant education as providing some additional services to particularly these older kids.

How does that fit in with the number of references that we have heard to the effect that older kids are very poorly served by the migrant education program? Is that a difference between the true migrant and the settled-out migrant, or what is it?

Dr. RIVERA. Yes; in terms of the true migrant student, the work availability, the low skill entry jobs, is what keeps us at sort of a low level. I notice that Mr. Miller said that we have graduated some 5,000 youngsers, but when you look at the nebulous of those that are within that age group of what were considered to be graduated from 14 on up to 17, I believe we have about 100,000 youngsters we have enrolled at that level; so out of 100,000 you are graduating 5,000, which is not a very good average at all.

So what we are saying about going on either side, I mean we can come in and supplement as well some of the activities that are going out.

Ms. LARSEN. Are there any plans within the Federal office to try and find some solutions to the problems of these secondary students who aren't getting——

Dr. RIVERA. That has been one of the major focuses for the last couple of years in our office. In my testimony, you will see that there was the project that Mr. de la Rosa has been actively involved in as a basis for a national approach, looking at credit exchange. That is where a lot of this comes from. It is exchanging credit between States for time accrued.

In talking to migrant youngsters who are at the secondary level—and we are saying, "Why should we spend all of the time and all of the money when we can gear you into a GED program?"—they will tell you they want a regular diploma. So that places a lot of responsibility on interstate coordination and cooperation, and once you get past the elementary level—and I was an old elementary teacher myself—when you come into a situation, organization, where you have departmentalization, then we have a whole new gamut of things we are looking at.

Ms. **Larsen**. But there are some efforts being made?

Dr. **Rivera**. Yes, there are, a lot of tutorial programs.

Mr. **Ford**. What do you do about uniform treatment by the acrediting agencies we have some, five or six spread across the country?

Dr. **Rivera**. There are about five.

Mr. **Ford**. Southeast, Southwest?

Dr. **Rivera**. We haven't dealt with those agencies other than taking a look at the various aspects of what system each State uses in terms of credit accrual.

Mr. de la Rosa has done a lot of work in this area, and I gave you a brief in my testimony of that particular thought.

Mr. **Ford**. One question about what you can do about secondary students: Wouldn't an answer be to move High School Equivalency Program (HEP) over to your office and give it about $150 million the first year, and then let it grow?

If we had HEP and College Assistance Migrant Program throughout the educational system we wouldn't have the Bakke case in front of the Supreme Court today.

Mr. **Conyers**. That is right.

Mr. **Ford**. We have this excellent program that has been working very well and we are afraid to tell too many people about it because every time a bureaucrat finds out about it, he wants to squawk like a hen.

Mr. **Miller**. Mr. Chairman, I would just like to make a request, referring to Mr. Newman's testimony, if I may.

If "Promises to Keep" is to be a part of his record, the Congressional Record, I would like to have this committee and Mr. Dick Bove have the opportunity to respond to some of that text that is in "Promises to Keep."

Mr. **Ford**. Well, if you will state in your request, what statements you are referring to, that would be helpful.

Mr. **Miller**. Well, sir, there are a number of items I could go through the text and have problems with.

Mr. **Ford**. I would suggest that you set out the text and then set beside it your response to it, and we will make it part of the record.

[See appendix 4.]

Mr. **Miller**. All right, sir. I would like for this committee to be able to respond to some of the inaccuracies that are placed in "Promises to Keep."

Mr. **Ford**. I haven't had a chance to read it, but I note with interest some of the source material and I wish the authors had come to talk to members of the Committee about some of the sources they were going to talk to.

Mr. **de la Rosa**. Just one more comment in regard to the same topic.

I would like to think that Mr. Newman comes here with some very positive aspects of the migrant education program. If he indeed calls for the continued funding of migrant education, obviously he believes that there are some things that are happening out in the States that are rewarding and are meeting the needs of migrant children and their families. I too noted some of the comments that he made, and I do have some questions specifically on the charge that millions of dollars are being spent on nonmigrants, the charge that no parent involvement is evident, the charge that OE went out and reviewed rules and regulations at the peak of migrancy, the charge that we have ignored and indeed there are instances of subversion where many of the children are not being served.

I would like to take his comments and just simply state to you that I know that we haven't completed our mission. I know that we still have a lot more to do and I am going to take part of his testimony and use it as a positive force to continue to take the message out to those who do not believe that migrant education children should be provided specific supplementary—special programs that can assist them in the areas of need.

But I would hope that any agency that investigates the migrant program would go in with an open mind, and while they have formulated some basic premises that there are some things wrong out there, I would like for them to formulate some premises that there are a lot of good thigns out there also.

He said a lot of things that I believe need to be done. I think his recommendations in essence were recommendations that I could very clearly support, and I would have no difficulty in supporting those.

I would hope that there would be a supplement to the booklet, "Promises to Keep" and I would hope that it would be entitled, "The Promises that have been Kept" by the States to the Congress in their support of the migrant education program.

Mr. FORD. Thank you very much.

I just would like to make one observation as one who for 13 years on this committee perhaps has not been appreciated, or appreciated too much, by people in State departments for my constant criticism of their role and preference for dealing directly with local educational agencies, that there is one exception. I am continually being made aware of the capability of States to use Federal Migrant education funding to positively benefit migrant children. There is no parallel to what is being done in migrant education with the kind of delivery of educational services administered by the State to a particular constituency.

The role of the State office is very much different in the other programs. One of the reasons that the role has been limited in the way which it has in other programs has been the consistent feeling that local educational agencies had a greater capacity to administer funds more wisely and well.

But I don't think that we really have heard over the life of this program serious complaints about the failure of the State agencies to allocate and use the funds well.

A few years ago, a GAO report on migrant programs pointed out that in my State, one of the counties most heavily impacted by migrant children refused to participate in any kind of migrant education program. It was only because of the pressure from the Superintendent of Public Instruction and from Jesse Soriano that they were finally dragged kicking and screaming into the twentieth century.

There is no way under the laws of Michigan you could ever force these people to accept their responsibility except through the pressure exerted in a gentle way by the State Department of Education. If anybody is looking for an argument in favor of more funding for the State operation of education programs, the only one that I would be willing to consider offhand is the migrant program, because it has worked marvelously well. It has produced more in terms of what our original expectations were when we first started tentatively with it, in a very small way back in 1966 than any other program. It will have no difficulty standing on its own merits. Its only difficulty is the one that has been stated earlier today, and that is, that migrant parents don't organize and camp on their Congressmen's doorsteps demanding their rights. We have a political system that has a tendency to provide the most grease to the wheel that squeaks the loudest, and this type of activity is not within the nature of the people served by this program.

Unfortunately we don't have testifying on behalf of this legislation the people who benefit most directly from it in terms of their pocketbooks.

A couple of years ago I took advantage of an invitation extended once—it has never been renewed—to talk to the National Association of Fresh Fruit Growers at their San Francisco convention. Cesar Chavez was picketing them outside and I was scolding them inside, and they haven't invited either of us to come back. I invited them at that national meeting to recognize that we don't supplement the health, housing, education, transportation or any other aspects of General Motors workers or for any other large corporation for that matter, who come to work in factories. But we do use taxpayers' money to make possible the continued existence of the migrant family as the only source of labor that most of that industry depends on. And it's a very prosperous industry. As a result of that invitation I believe that we have had one group—the Apple Growers Association—which has appeared before us to testify in favor of migrant programs, that is out of all of these people in agribusiness of this country who directly benefit from every bit of supplementary help that we give to their work force.

I hope we will be able to extend that invitation in the media in some way, so that people begin to realize that the people with the most at stake are either saying nothing about this kind of program or if they are saying anything, they are sitting out there complaining about balancing the budget and saying that as taxpayers, they resent the expenditure of money in the Labor-HEW appropriations.

With that, we will recess the hearings until 9:30, Tuesday, proceeding on Title I itself.

Dr. **Soriano**. I wonder if I might add one other thing, and that is, I am sorry that Congressman Quie wasn't here, and that is because one of his major concerns has always been the basic skills and what Title I has been doing with basic skills.

I think migrant programs, migrant education programs, surely in view of the basic skill list we have developed for math and for reading, are to be commended; and if basic skills are being taken care of at all, they are being taken care of through migrant education and migrant education programs.

Mr. **Ford**. Thank you very much, and we will be sure that is called to Al's attention.

[Whereupon, at 2:20 p.m., the hearing was adjourned, the subcommittee to reconvene at 9:30 a.m. on Tuesday, October 18, 1977.]

[Appendix material follows:]

APPENDICES

APPENDIX 1

Title I, Elementary and Secondary Education Act of 1965

PROGRAMS FOR MIGRATORY CHILDREN

SEC. 122. (a)(1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination—

(A) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

(B) that in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964;

(C) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (3) through (12) of section 141(a); and

(D) that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c-2) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 492, 494.

RESERVATION OF FUNDS FOR TERRITORIES

Sec. 124. There is authorized to be appropriated for each fiscal year for purposes of each of sections 121, 122, and 123, an amount equal to not more than 1 per centum of the amount appropriated for such year for such sections for payments to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under each such section. The amounts appropriated for each such section shall be allotted among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants, based on such criteria as the Commissioner determines will best carry out the purposes of this title.

(20 U.S.C. 241c-4) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 494.

MINIMUM PAYMENTS FOR STATE OPERATED PROGRAMS

Sec. 125. No State shall receive in any fiscal year prior to October 1, 1978, pursuant to sections 121, 122, or 123 an amount which is less than 100 per centum of the amount which that State received in the prior fiscal year pursuant to such section 121, 122, or 123, respectively.[1]

(20 U.S.C. 241c-5) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 495; amended April 21, 1976, P.L. 94-273, sec. 3(8), 90 Stat. 376; amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(b)(1)(A), 90 Stat. 2236; P.L. 94-482, Title V, Part A, sec. 501(c), 90 Stat. 2238.

Appendix 2

federal register

WEDNESDAY, JULY 13, 1977
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Grants to State Educational Agencies

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Interim Final Regulations

AGENCY: Office of Education, HEW.

ACTION: Interim final regulations.

SUMMARY: This document is an interim final regulation expanding the regulations which implement section 122 of Title I of the Elementary and Secondary Education Act of 1965. Section 122 provides for grants to State educational agencies to meet the special educational needs of migratory children. In addition to generally amending and expanding the present regulations, these interim final regulations reflect and implement relevant amendments made to Title I by the Education Amendments of 1974. Publication is required by section 431 of the General Education Provisions Act. These interim final regulations also reflect the study required by section 503 of the Education Amendments of 1972 (see paragraph 2 under Supplementary Information).

EFFECTIVE DATES: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)) these interim regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of transmission subject to the provisions therein concerning Congressional action and adjournment.

DATES: (See Item 7 under Supplementary Information.) Comments must be received on or before August 29, 1977.

HEARINGS

Pharr, Texas, August 16, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Tifton, Georgia, August 18, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Geneseo, New York, August 22, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Lansing, Michigan, August 24, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

San Jose, California, August 26, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

ADDRESSES: Written suggestions, objections, or other statements should be sent to the U.S. Office of Education, Room 4012, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. (Comments and suggestions submitted in writing will be available for review at the above address between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week).

HEARINGS

Pharr, Texas, San Juan Alamo High School Auditorium, 1229 South I Road;

Tifton, Georgia, Rural Development Center Auditorium, U.S. Highway 41 North;

Geneseo, New York, Holcomb Learning Center, Campus of State University College;

Lansing, Michigan, Eastern High School Auditorium, 220 North Pennsylvania Street;

San Jose, California, Santa Clara County Schools Office, Room O, 100 Skyport Drive.

FOR FURTHER INFORMATION CONTACT:

Dallas, Texas: Mr. Jerry Brader, 214/655-3671; *Atlanta, Georgia*: Dr. John Ro[illegible] [illegible]1/881-3076; *New York, New York*: Barbara Brandon, 212/264-4370; *Chicago, Illinois*: Dr. Morris Osburn, 31[illegible]/353-2259; *San Francisco, California*: Ms. Janice Williams, 415/556-3929; and *Washington, D.C.*: Mr. Vidal A. Rivera, Jr., 202/245-2427.

SUPPLEMENTARY INFORMATION: In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and under the authority of Title I, section 122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2) as enacted by Pub. L. 93-380, a notice of proposed rulemaking was published in the FEDERAL REGISTER on July [illegible], 1975, (40 FR 28622) setting forth in proposed 45 CFR Part 116d the requirements for participation by State educational agencies in programs for financial assistance provided by Title I of the Elementary and Secondary Education Act, section 122. Section 122 is administered at the Federal level by the Office of Education which issues regulations governing grants made by the Commissioner of Education under that program.

At present there are no guidelines related to Part 116d. Should guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in these interim regulations.

The interim final regulations set forth below provide definitions of migratory agricultural workers, migratory fishermen, of agricultural activities and fishing activities and of formerly and currently migratory children. The regulations also set forth the managerial responsibilities of State educational agencies, the bases for determining the amount to be made available for grants, the requirements for the submission of applications by State educational agencies, and the criteria for the Commissioner's approval of those applications.

These interim regulations will become final in the same manner and have the same legal effect as any other final regulations. (See paragraph above captioned "Effective date.") However, after the public has been given additional opportunity to comment on these interim regulations, the Commissioner plans to publish final regulations which will reflect whatever changes are considered necessary as a result of comments which have been received.

1. *Program purpose.* The purpose of section 122 of the Elementary and Secondary Education Act, and of this interim regulation, which implements section 122, is to enable the grantees (State educational agencies) to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and enable the grantees to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of the children. An eligible State educational agency may conduct its State program either directly or through a local educational agency or agencies.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning this study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters so published. The interim regulations below reflect the results of this study as it pertains to the program under Title I, section 122 of the Elementary and Secondary Education Act. All preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 116 will be superseded when this interim regulation becomes effective.

3. *Amendments made by Pub. L. 93-380.* The interim regulation set forth below reflects and implements amendments made to Title I of the Elementary and Secondary Education Act by Pub. L. 93-380, the Education Amendments of 1974. In particular, the interim regulation makes conforming changes in or additions to the current regulation, relating to eligibility of migratory children of migratory fishermen, the General Education Provisions Act requirements for a general application and an annual program plan, the counting of formerly migratory children for funding purposes, and the use of migrant student record transfer system.

4. *Effect of Part 116.* A new Part 116, published as a final regulation in the FEDERAL REGISTER at 41 FR 42893 (September 28, 1976), sets forth general requirements applicable to all programs funded under Title I of the Act, including grants for programs for migratory children. The significant provisions in the new Part 116 which apply to programs under Part 116d are required submissions by States to the Commissioner and criteria for approval of submissions (§ 116.3), State administration and technical assistance (§ 116.4), review and complaint procedures (§ 116.6),

reports by State educational agencies (§ 116.7), the prohibition against consideration of Title I funds in determining State aid (§ 116.16), withholding of funds by the Commissioner for nonconformity (§ 116.20), planning grants (§ 116.30), use of program funds for construction and equipment (§ 116.32), reimbursement for expenses incurred by parent council members and volunteers (§ 116.33), education aides (§ 116.34), staffing for programs and projects (§ 116.35), preservice and inservice training (§ 116.36), the prohibition against supplanting (§ 116.40), the relation of Title I projects to other programs (§ 116.41), administrative control of Title I property (§ 116.42), measurement of educational achievement and evaluation of programs (§ 116.43), dissemination and utilization of results of educational research and demonstration (§ 116.44), public information (§ 116.45), and reports by applicant agencies (§ 116.46).

5. *Effect of Office of Education General Provisions Regulations.* Assistance provided under this part is also subject to applicable provisions contained in the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100-100c, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. 45 CFR Parts 100-100c relate to fiscal, administrative and property management, monitoring and reporting of program performance, accountability for Federal funds, and other matters. It should be noted that the program for migratory children under this part is considered to be a State administered program which may involve financial assistance to local educational agencies as subgrantees; therefore, unless otherwise specified, the provisions of Part 100b of 45 CFR, rather than Part 100a, apply.

6. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)), and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

7. *Opportunity for public comment.* Nearly all of the comments on the Notice of Proposed Rulemaking were received at a briefing meeting for State administrators of Title I programs for migratory children. No comments were received at the public hearing on August 27, 1975, and written comments were received from school officials and interested persons in only six States. The Office of Education, therefore, wishes to provide interested persons, particularly from the population to be served, with opportunities to submit comments for the Office to consider for possible revisions of these interim regulations.

8. *Public comment and changes in the interim regulation.* A number of comments submitted to the Office of Education in response to the notice of proposed rulemaking resulted in changes to the interim regulation. These changes are discussed below.

(a) The definition of "agricultural activity" has been modified so as not to be limited to activities carried out on farms and ranches.

(b) Several commenters noted inconsistencies between the definitions of "migratory agricultural worker," "currently migratory child," and "migratory fisherman" with respect to their obtaining employment in States comprising a single school district. The definitions have been revised to refer to moving from one school administrative area to another in those cases where the State comprises a single school district.

(c) One commenter recommended elimination of the definitional requirement that a "currently migratory child" be one who has moved with a parent or guardian who is a migratory agricultural worker or a migratory fisherman. An appropriate change was made in the definition. It is not necessary that a currently migratory child migrate with his parent or guardian: *Provided, That:* The child himself is migratory as defined; and that the parent or guardian is migratory as defined.

(d) The definition of "fishing activity" has been modified to specifically include individuals who are engaged in catching or processing fish for personal subsistence.

(e) Several commenters recommended that the term "guardian" as used in the definition of "currently migratory child" be interpreted to include "crew leaders" who assume responsibility for children for the purpose of transporting them to agricultural work sites or processing plants, arranging for their employment at those sites and supervising them while they are there. The interim regulation adds a definition of "guardian" which is not considered to cover these "crew leaders." "Crew leaders" having custody of children for the primary purpose of supervising their employment are not considered persons standing in the place of a parent. Furthermore, to include individuals other than those included in the definition of "guardian" could result in counting and serving children not considered to be within the class of children which Congress intended to be covered for example, children of non-farm families who join "crew leaders" for summer agricultural employment could be counted. However, the fact that a child is accompanied by a crew leader and not by a parent or guardian will not disqualify him if it is shown that the child's parent, or guardian, as defined, is a migratory agricultural worker or migratory fisherman. See discussion in paragraph (c).

(f) Several commenters requested interpretations of that part of the definition of "formerly migratory child" concerning his residing "* * * in an area served by an agency carrying out a program or project under this part." The quoted phrase is taken from the statute. Language interpreting this phrase has been added to the definition.

(g) Section 116d.6. *Participation of operating agencies.* One commenter suggested that in view of uncertainties as to the migratory children who will actually be present in the State when a program is implemented for them, the State application present data by "grade group" rather than by grade level. This suggestion was adopted, and the interim regulation modified accordingly.

(h) Section 116d.31, now headed *Use of funds and information in State application.* A commenter recommended that the section be revised to make it clear that the needs assessment should cover all eligible children expected to reside in the State during the fiscal year in which the program described by the application is to be conducted. This suggestion was adopted. In addition, the interim regulation deletes language in the proposed rule which appeared to require that a State educational agency provide services to preschool children. Also with respect to § 116d.31, one commenter stated that the required description of inservice training should be based on the experience of the preceding year, but that the applicant be permitted to provide inservice training according to "current need," as assessed after the hiring of personnel. Language has been inserted to indicate that the description should be an estimate of needs for inservice training for the fiscal year in which the project is to be conducted, and that these estimates should be based on all relevant information, including but not limited to the prior year's experience. The State educational agency may then provide for inservice training according to current need, subject to the requirements for amendment of applications in § 116d.8.

(i) Section 116d.10. *Allocation of funds to administrative and program functions.* Several formal and informal comments on the notice of proposed rulemaking were directed to § 116d.33 of the notice of proposed rulemaking, now § 116d.10. In general, that section was not considered to be sufficiently explicit for the purposes of distinguishing between services to be charged to a State's Title I administrative funds and those to be charged to funds provided under the State educational agency's application for a grant for programs for migratory children. The section was revised to provide clearer guidance on this matter, although the basic criteria for determining what activities are to be charged to administrative funds and what are to be charged to program funds have been retained. Funds are provided under section 143(b) of Title I for a State educational agency's use in administering all programs under that Title, including programs for migratory children. For States other than the outlying areas, this amount is not to be less than $150,000, or, if higher, one percent of the amount allocated for the fiscal year for grants to agencies in that State. Section 143(b) does not specify what portion of this "set-aside" for State administration is to be used for each of the various Title I programs. Since the State educational agencies both administer and carry out the program for migratory children, it is necessary that for this program a standard be established for State educational agency use of the limited amount of administrative funds. Section 116d.10 is based on the principle that only the same type of State administrative services which the State educational agency performs in connection with other Title I programs should be paid from State administrative funds. These administrative services are generally limited to the preparation of applications and reports required to be submitted by the State educational agency to the Commissioner, the approval and supervision of subgrantee activities, and technical assistance to subgrantees. Functions similar to those performed by local educational agencies under Part 116a, or by State agencies under Parts 116b and 116c, must be charged to program funds notwithstanding that they may be administrative in nature, or that they are performed by both the local educational agencies and the State educational agency in the other Title I programs referred to above.

A commentor stated that the implementation of an evaluation and the preparation of the evaluation report were inseparable activities pertaining to instruction and should be charged to program funds rather than administrative funds. The interim regulation has been modified to provide that implementation of an evaluation and compilation of notes and preliminary reports for internal State educational agency use may be charged to programs funds, but that the design and preparation of the final State evaluation report must be charged to administrative funds.

9. *Response to other comments.* A number of comments were considered which did not result in changes to the interim regulation. The Office of Education believes that several of these changes suggested by these commenters are beyond its authority under the Act, or relate to matters already covered by the interim regulation. Some of the comments requested interpretations of provisions in the notice of proposed rulemaking. The major comments which did not result in changes are summarized and discussed in greater detail below, with interpretations where appropriate.

(a) Several commenters questioned whether persons crossing an international boundary could be considered as having moved from one school district to another within the definitions of "currently migratory child" and "migratory agricultural worker." A related question was whether children must be United States citizens in order to be counted or served as migratory children. The Office of Education interprets crossing an international boundary as moving from one school district to another as that term is used in the definitions. Citizenship is not an eligibility requirement.

(b) Two commenters recommended that the definition of "currently migratory child," "migratory agricultural worker," and "migratory fisherman," be revised to provide that moving from one attendance area to another should qualify a child or worker as migrant. In this connection, it was pointed out that children may move from palce to place within very large school districts. This suggestion was not adopted because the pertinent legislative history indicates that Congress generally intended the program to serve children migrating from school district to school district. Senate Rept. No. 93-1026, 93rd Cong. 2d Sess. 142-143. The definitions do cover children crossing school administrative areas in States comprising a single school district. This is because the enabling legislation directs the Commissioner to determine grants for all States where migratory children reside and to make grants to the State educational agencies of any such States which meet the eligibility requirements stated in § 116d.39 of this interim regulation; this would include States comprising a single school district.

(c) A commenter questioned whether a child or worker who during the year resides in two or more school districts, but works in only one district, could be considered migratory. Also, with respect to employment, commenters asked whether individuals seeking to be self-employed as agricultural workers or fishermen are within the definition of "currently migratory child," "migratory agricultural worker," and "migratory fisherman." The Office of Education considers a person to be migratory if that person moved from one school district to another in order to secure agricultural or fishing employment, regardless of whether employment is actually secured. Individuals seeking to be self-employed are considered as seeking employment.

(d) Several commenters questioned whether the definition of "migratory fishermen" applies to those fishermen who move from a school district to international waters and return to the same school district. The Office of Education interprets the law as not covering these fishermen. The legislative history of Pub. L. 93-380 indicates that only those fishermen migrating from one school district into a different school district were to be considered migratory fishermen. Sen. Rep. 93-1026, 93rd Cong. 2nd Sess. 142-143.

(e) Several commenters recommended deletion of the requirements in §§ 116d.2 and 116d.35 that a child cannot be considered to be a formerly migratory child without the concurrence of his parents. No change has been made in the interim regulation, because the requirement for parental concurrence is statutory.

(f) One commenter recommended deletion of the requirement in § 116d.5 directing a State educational agency to identify to the Commissioner the local educational agencies which will operate the State program as subgrantees. This suggestion was rejected because it is considered important that the Commissioner know, at the time the State application is reviewed, what agencies will carry out the State program. If the information is not known at the time of the State application, the State educational agency may later identify the operating agencies in an amendment to the State application as provided in § 116d.8.

(g) A commenter questioned why, under § 116d.6, State educational agencies are required to submit more information than they are required to submit with respect to Title I program for grants to local educational agencies. The commenter also questioned whether this requirement (which will require some States and local educational agencies to change their accounting system) is inconsistent with 45 CFR 100b.274. The Office of Education has made no change in the interim regulation. More information is required of a State educational agency with respect to the migrant program because the State educational agency operates the migrant program rather than merely administering it as it does the Title I program for grants to local educational agencies. The interim regulation is consistent with 45 CFR 100b.274, which provides that "subject to the provisions and limitations" of applicable Federal statutes and limitations, State rules shall apply.

(h) A commenter recommended that the words "imprudent, wasteful, extravagant or otherwise" be deleted from § 116d.11(a) (§ 116d.34(a) of the proposed rule), dealing with State educational agency management of operating agencies. No change was made in the interim regulation because the emphasis and specificity supplied by the words is considered important.

(i) A commenter suggested that the last sentence of § 116d.21 be revised to restrict the Commissioner to the use of the migrant student record transfer system in determining amounts available for grants under this section. Another commenter recommended that there be some restriction in this section on the amount reallocated to a State, pointing out that under the Title I program for grants to local educational agencies no grantee may receive more than a prescribed formula amount. The Office of Education interprets the enabling statute to authorize the use of the migrant student record transfer system and another system concurrently, if it would produce the most complete and accurate information. (It is expected however, that, except in unusual circumstances involving a particular State or outlying area, the migrant student record transfer system will be the sole source of data for determining the amounts available in accordance with the statutory formula). With respect to the second comment, unlike the Title I statute governing local educational agency programs, the statute governing the migrant program contains a special reallocation provision authorizing the formula amount of any State to be reduced or raised under specified conditions.

(j) *Excess funds.* A commenter requested clarification as to when, and on what criteria, will the existence of excess funds in a State be determined under § 116d.22. In addition one commenter recommended that § 116d.22(b) be revised to make it clear that the Commissioner could not reallocate funds which the State educational agency had already allocated to local educational agencies or previously encumbered for other program purposes. The existence of excess funds within the meaning of § 116d.22 may be determined when the State educational agency's application is submitted or at any time during the fiscal year for which the funds were appropriated to be used. It is anticipated that information received subsequent to the application would, in most cases, be contained in a report required to be submitted by the State educational agency to the Commissioner (on a case-by-case-basis) as authorised by 20 U.S.C. 1232c(b)(1)(A)(III) and 45 CFR Part 116, § 116.3(a). The Commissioner, however, is authorised to obtain information from reliable outside sources. Determination of excess funds will be determined on a case-by-case-basis, according to the need of the recipient. The Commissioner would not reallocate funds which had been actually obligated at the State or local level. The reallocation provisions in § 116d.22 are written assuming that the State educational agency and its operating agencies will not intentionally reserve funds for subgrantees in excess of their actual need. However, language has been added to § 116d.6 to make it clear that no operating agency may obligate program funds prior to the effective date of the approved State application or the date its application is submitted to the State educational agency in substantially approvable form, whichever is later.

(k) *Interstate coordination.* A commenter recommended that §§ 116d.31(b)(7) (116d.31(h) of the proposed rule) and § 116d.39(a), both containing requirements concerning interstate coordination, be deleted. This suggestion was rejected because these requirements are considered essential to the implementation of the statutory requirement that States coordinate their programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to the school records of children.

(l) *Formerly migratory children.* With reference to § 116d.35 titled "Inclusion of formerly migratory children," a commenter suggested revision to preclude projects developed solely for formerly migratory children. Another commenter recommended a provision that no monies be made available for programs serving formerly migratory children unless needed services are provided for both school age and preschool currently migratory children. No change was made in either provision. The Office of Education interprets the enabling statute to authorise projects developed solely for migratory children subject to the conditions set forth in § 116d.35. Since preschool children do not generate funds, programs for formerly migratory children who are of school age are considered to take priority over programs established for any preschool children, whether currently or formerly migratory.

(m) *Parental involvement.* A commenter criticized § 116d.37, concerning parental involvement, as being "weak" and permitting the applicant to avoid providing for meaningful parent participation. Another commenter recommended that § 116.40 of the notice of proposed rulemaking published March 11, 1975 for 45 CFR Part 116, containing general requirements for Title I programs, be revised to allow compensation for loss of wages for parent council members who attend statewide council meetings. Another commenter was of the opinion that per diem payments for parent council members "above and beyond allowable expenses" should not be allowed. No change has been made in either Part 116 or 116d with respect to these matters. A stricter Federal requirement for parental participation would be impracticable to implement in some States since the Title I migrant program is a State, not a local program, and that the majority of the parents are migratory. In recognition of this fact, the enabling statute does not require parental involvement in the migrant program as it does for the Title I, program for grants to local educational agencies. A State educational agency may, of course, have any program for parental involvement which is consistent with Federal law and regulations.

The general standards for allowable costs as set forth in Appendix B, which applies to the Title I migrant program through Part 100b of this chapter (See 45 CFR 100b.81) are that the costs "be necessary and reasonable" to the proper administration of the grant program. It is recognised that, in some cases, it may be necessary for the State educational agency to establish a uniform allowance for parent advisory council members in order to secure the necessary parent participation. This matter ultimately would have to be judged on a case-by-case basis.

(n) *Supporting services.* One commenter recommended that paragraph (a) of § 116.38 be revised to provide that health, welfare, and other supporting services may be coordinated under this part for eligible children who are not participating in an instructional program. This suggestion was rejected because the enabling statute establishes the migrant program as an "educational" program, which the Office of Education interprets to mean a program for instruction. For this reason, support services are authorized only to the extent that they enable eligible children to participate in an instructional program.

(o) *Program description.* A commenter recommended revision of § 116d.32(b), providing that the Commissioner may approve a State application only if the State program described in that application shows promise of meeting the needs of the children to be served, particularly with respect to their basic skills. The recommendation was that the phrase "basic skills" be amplified by adding the parenthetical phrase "(readiness, developmental and remedial)." This suggestion was rejected because the Office of Education lacks the authority to require all of these concepts to be implemented in every State program. The applicant may, of course, apply them as need warrants.

10. *Other changes in Part 116d.* (a) A number of typographical and technical corrections and clarification have been made and certain sections have been reorganized or renumbered.

(b) A new definition of "day care services" has been added to the definition section.

(c) Section 116d.3(a)(4) requires a State educational agency applying to the Commissioner for a grant to request specifically the approval to use funds "carried over" from the previous fiscal year.

(d) The provisions of § 116d.3, paragraphs (c) and (d) of the proposed rule, and § 116d.4 of the proposed rule have been deleted because they are covered by 45 CFR Part 116, § 116.3.

(e) Section 116d.6 adds language requiring the State educational agency to submit to the Commissioner substantive amendments to project applications from operating agencies, and establishing a time limit for the Commissioner's review of these project applications and amendments.

(f) Section 116d.8 adds language regarding application for use of "carry-over" funds and adds a provision requiring amendments to State applications to be signed by the Chief Executive Officer of the State educational agency or his designee.

(g) A new § 116d.12 headed *Child eligibility and evidence of child eligibility,* has been added to Subpart C. This section requires a State educational agency or its operating agency to obtain documentary evidence of a child's status as a migratory child of a migratory agricultural worker or migratory fisherman as a condition of counting him for funding purposes or serving him under this program.

(h) The second sentence of the introduction to § 116d.31 of the proposed rule, giving examples of some special educational needs of migratory children, has been deleted, because it is not appropriate for a regulation.

(i) Section 116d.31 has been revised to require the State educational agency to describe the basis for its estimates of the number of migrant children expected to be residing in the State and to be served there.

(j) A new § 116d.31a has been added, which defines what type of preschool program may be funded under this part. This definition is intended to emphasize the distinction between a preschool educational program and day care services eligible for funding under § 116d.38.

NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: April 6, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: June 15, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116d.1 Applicability.
116d.2 Definitions.

Subpart B—Managerial Responsibilities of State Educational Agencies

116d.3 State applications.
116d.5 Designation of operating agencies.
116d.6 Participation of operating agencies.
116d.7 Supervision of programs and projects.
116d.8 Amendments to applications.
116d.9 Title and control of property.
116d.10 Allocation of funds to administrative and program functions.
116d.11 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.
116d.12 Child eligibility and evidence of child eligibility.

Subpart C—Amounts Available for Grants and Payments

116d.21 Total amount available for grants.
116d.22 Entitlement.
116d.23 Payments.
116d.24 Special arrangements by the Commissioner to conduct migrant programs.

Subpart D—Program Requirements

116d.31 Use of funds and information in State application.
116d.31a Programs of instruction for preschool migratory children.
116d.32 State budgets.
116d.35 Inclusion of formerly migratory children.
116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.
116d.37 Parental involvement.
116d.38 Supporting services.
116d.39 Criteria for the approval of State applications.
116d.40 Cooperative programs.
116d.41 Commissioner's disapproval of State applications, notice and hearing.

Appendix—Section 122 Programs for Migratory Children.

AUTHORITY: Sec. 101(a)(2)(B), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability.

(a) These regulations govern programs and projects for which funds are provided to State educational agencies under section 122 of Title I of the Elementary and Secondary Education Act of 1965 to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(b) Except as otherwise provided, assistance under this Part is subject to applicable provisions contained in Part 116 (general requirements relating to Title I of the Act) and Part 100b of this chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 241c-2.)

§ 116d.2 Definitions.

"Agricultural activity" means:

(a) Any activity related to crop production (including preparing soil and storing, curing, canning or freezing of crops);

(b) Any activity related to the production and processing of milk, poultry, and livestock (for human consumption); and

(c) Any operation involved in forest nurseries and fish farms. The term does not include cutting, transporting, and sawing of timber.

(20 U.S.C. 241c-2.)

"Currently migratory child" means a child (a) Whose parent or guardian is a migratory agricultural worker or migratory fisherman; and (b) who has within the past twelve months moved from one school district into another (or, in a State comprising a single school district has moved from one school administrative area into another) in order to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

(20 U.S.C. 241c-2.)

"Day care services" means services:

(a) Provided outside the home and during the day for the purpose of custodial care of children and infants; and

(b) Which satisfy applicable State law standards governing the provision of these services.

"Fishing activity" means any activity directly related to the catching and processing of fish and shellfish either for initial distribution through commercial market channels or as a primary means of personal subsistence.

(20 U.S.C. 241c-2.)

"Formerly migratory child" means a child defined by section 122(a)(3) of the Act. That section provides that: "With the concurrence of his parents, a migratory child of a migratory agricultural worker or migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this part." The term "area" in the preceding sentence means the legally prescribed geographic area over which a local educational agency or combination of such agencies exercises administrative control or direction. Any child is considered to reside within the "area served" referred to in the statutory language of section 122(a)(3) quoted in this definition, if that child:

(a) Otherwise satisfies the definition of section 122(a)(3), and

(b) Resides in an "area" as defined in the preceding sentence within which any currently or formerly migratory children are being served by a project, as defined in this section.

(20 U.S.C. 241c-2(a)(3).)

"Guardian" means:

(a) A person who has been appointed the legal guardian of a migratory child through formal proceedings in accordance with State law;

(b) A person who the State agency finds would be appointed to be the legal guardian of a migratory child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in place of a parent to the child.

(20 U.S.C. 241c-2.)

"Migratory agricultural worker" means a person who has within the past twelve months, moved from one school district to another (or, in a State that comprises a single school district, from one school administrative area to another) in order to enable the person to obtain temporary or seasonal employment in an agricultural activity.

(20 U.S.C. 241c-2.)

"Migratory fisherman" means a person who has within the past twelve months, moved from one school district to another (or, in a State that comprises a single school district, from one school administrative area to another) in order to enable the person to obtain temporary or seasonal employment in a fishing activity as defined in this section.

(20 U.S.C. 241c-2; Sen. Rept. No. 93-1026, pp. 142-143 (1974).)

"Project" means an activity or set of activities:

(a) Which consists of instructional services, or supporting services provided under § 116d.38, or both;

(b) Which is provided under this part to migratory children in a particular area within a State by a State educational agency, either directly or through a local educational agency; and

(c) Which is designed to meet the purposes of the applicable State program as defined in this section.

(20 U.S.C. 241c-2.)

"State program" means the overall plan for services, activities, personnel and materials set forth in a State application for a grant under this part to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(20 U.S.C. 241c-2.)

Subpart B—Managerial Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) *General.* A State educational agency which desires to receive assistance under this part shall submit to the Commissioner an application which:

(1) Is in the form prescribed by § 100a.43 of this chapter (standard ap-

plication form for Federal assistance (non-construction programs));

(2) Is signed by the chief executive officer of the State educational agency or the designated representative of that officer;

(3) Contains the assurances and other information required in this part and in Part 116 of this chapter; and

(4) Requests approval to use, during the fiscal year covered by the application, any funds under this part which were made available to the State educational agency for the preceding fiscal year but were not obligated by that agency.

(b) *Receipt of application.* The Commissioner may decline to consider an application under this part if it is received after the date established by the Commissioner for receipt of applications.

(c) *Annual program plan.* An application submitted under paragraph (a) of this section constitutes (for the purposes of this part) the annual program plan required by section 434(b) of the General Education Provisions Act, and must conform to the requirements of that section.

(20 U.S.C. 241c-2, 1232c(b).)

§ 116d.5 Designation of operating agencies.

The State educational agency in its application under § 116d.4 shall identify the agency or agencies it has designated to operate the proposed educational program for migratory children of migratory agricultural workers and migratory fishermen. If all or part of the State program is operated directly by the State educational agency, that agency shall identify in its application the personnel and other resources in that agency, (including any resources to be made available to that agency by service contract) that will be made available to conduct the program. If all or part of the State program is operated through a local educational agency or agencies as subgrantee(s), the State educational agency shall identify in its application the local educational agency or agencies.

(20 U.S.C. 241c-2(a)(1), 1232c(b).)

§ 116d.6 Participation of operating agencies.

(a) If all or part of the State program is operated through one or more local educational agencies ("operating agencies"), the State educational agency shall require each of these operating agencies to submit to the State educational agency an application (in the form prescribed by § 100a.43 of this chapter) which sets forth:

(1) The project to be carried out;

(2) The relationship between the project and the State program;

(3) The objectives to be achieved for each grade group;

(4) The estimated number of children to be served;

(5) The services to be provided to achieve the objectives;

(6) The types and number of staff to be employed; and

(7) An appropriate budget.

(b) The State educational agency shall review an operating agency's application for conformity with the State program set forth in the State application as approved by the Commissioner. Within ten days after the State educational agency has approved an application by an operating agency, the State educational agency shall send the Commissioner a copy of the approved application and any substantive amendments thereto. Within 30 days after receiving a copy of the approved application or any substantive amendments, the Commissioner shall review the application or amendment to determine whether it conforms to the State program as set forth in the State application approved by the Commissioner.

(c) Each operating agency shall maintain records of all financial transactions pertaining to the project for the time period prescribed by § 100b.477 of this chapter. Each operating agency shall provide timely financial reports (including the financial status report prescribed by § 100b.403 of this chapter, and the performance report prescribed by § 100b.432 of this chapter) to the State educational agency.

(d) An operating agency may not obligate funds under this part (within the meaning of § 100b.55(c) of this chapter) before:

(1) The effective date of the approved application from the State educational agency to the Commissioner, or

(2) The date the operating agency's application is submitted to the State educational agency in substantially approvable form, whichever occurs later.

(20 U.S.C. 241c-2(a), 1232c(b).)

§ 116d.7 Supervision of programs and projects.

Each State educational agency shall describe in its application the procedures and resources which that agency proposes to use to ensure that the proposed projects are carried out in accordance with the State application as approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1)(A), 1232c(b).)

§ 116d.8 Amendments to applications.

A State educational agency shall submit to the Commissioner an amendment to its application (including an application to use funds made available for the previous fiscal year but not obligated in that year) which is signed by the chief executive officer of that agency or his designee under the following circumstances:

(a) When the agency makes a material change in the administration of its approved State program or in the organization, policies, or operations affecting that program;

(b) If information becomes available which is required by subpart D of this part and which was not previously furnished in the application;

(c) If changes are made in the appropriation or other laws governing the approved State program and the Commissioner indicates to the State educational agency that an amendment to the State application is required by such changes.

(20 U.S.C. 241c-2(a)(1), 1232c(b).)

§ 116d.9 Title and control of property.

(a) Subject to paragraph (b) of this section, a State educational agency shall maintain title to, and administrative control over, property acquired with funds under this part.

(b) If, as a matter of State law, a State agency other than the State educational agency is required to exercise functions described in paragraph (a) of this section, then the State educational agency shall arrange for the exercise of those functions by that agency and that agency shall be responsible under this part for the exercise of those functions. However, the State educational agency shall retain the right to use the property and to move or otherwise dispose of it in a manner best designed to carry out the purposes of this part.

(20 U.S.C. 241c(a)(3), 241c-2(a)(1)(C), 1232c(b).)

§ 116d.10 Allocation of funds to administrative and program functions.

(a) *Administrative functions.* The State educational agency shall use funds provided under section 143(d) of Title I of the Act only to perform administrative functions under this part which are the same as or similar to those carried out by the State educational agency with respect to programs and projects under parts 116a, 116b, and 116c of this chapter. These functions include:

(1) Preparation of the State educational agency's application to the Commissioner;

(2) Design and publication of application, evaluation and financial report forms and transmittal of these forms with appropriate instructions to operating agencies;

(3) Reviewing applications and reports from those agencies;

(4) Fiscal control and fund accounting;

(5) The design and preparation of State evaluation and financial reports to be submitted to the Commissioner;

(6) Technical assistance for operating agencies in the development of their applications and the monitoring of their projects for compliance with the State application; and

(7) Dissemination of information.

(b) *Program functions.* The State educational agency shall use funds provided under section 143(a) of Title I of the Act for use under this part only to perform functions which are unique to the program under this part or are the same of similar to services provided by local educational agencies in that State under part 116a of this chapter, and which are not listed under paragraph (a) of this section. These functions include:

(1) State-wide recruitment and identification of migrant children;

(2) State and local interagency coordination and interstate activities;

(3) Implementation of the migrant student record transfer system;

(4) Processing reports submitted by operating agencies under § 116d.6;

(5) Inservice training programs for instructional and support personnel;

(6) Maintaining inventories of property acquired with funds provided under this part;

(7) Negotiating and awarding contracts;

(8) Evaluations and compilation of notes and preliminary reports for internal State educational agency use with respect to evaluations.

(20 U.S.C. 241g, 1232c(b).)

§ 116d.11 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.

(a) Each State educational agency receiving a grant under this part shall issue appropriate rules to avoid imprudent, wasteful, extravagant or otherwise expenditures of funds by subgrantees which would defeat the intent of the Act to meet the special educational needs of migratory children.

(b) In keeping with the proper and efficient administration of the State program for migratory children, the State educational agency shall include in the rules described in paragraph (a) of this section provision for appropriate adjustment (based on periodic reports on the implementation of the projects) of expenditures actually incurred, so as to avoid the allocation or disbursement of funds to the subgrantee in excess of actual need. Following these adjustments the State educational agency may increase the funding of the projects conducted by other subgrantees in the State who demonstrate need for these funds. The subgrantee shall reflect any such adjustment under this paragraph by appropriate amendment to its project application and in its final fiscal report.

(20 U.S.C. 241c-2, 1232c(b).)

§ 116d.12 Child eligibility and evidence of child eligibility.

A child may not be counted pursuant to § 116d.21, and may not be served by funds made available under this part, unless the State educational agency or a designated operating agency has first obtained documentary evidence sufficient to demonstrate that the child is a currently or formerly migratory child as defined in § 116d.2.

(20 U.S.C. 241c-2, 1232c(a), 1232c(b).)

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amount available for grants.

(a) Except as provided in sections 124 and 125 of Title I of the Act, as amended, the Commissioner determines the total amount of a grant which may be made available for use in any State for any fiscal year under this part for programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen under section 122(b) of Title I of the Act, as amended and for Puerto Rico under section 122(b) of Title I and section 843(d) of Pub. L. 93-380 (section 122 of Title I and section 843(d) are set forth in the appendix).

(b) For the purpose of this section, the Commissioner determines the number of migratory children in a State, including currently and formerly migratory children, as defined in this part, on the basis of statistics made available by the migrant student record transfer system or such other system as the Commissioner may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c-2(b).)

§ 116d.22 Entitlement.

(a) *Entitlement based on estimated cost of program.* The State educational agency of a State for which a total amount has been determined under § 116d.21 is entitled to receive a grant in the amount determined by the Commissioner to be needed to carry out a State program approved by the Commissioner under § 116d.39. Except as provided by paragraph (d) of this section, this amount may not exceed the total amount determined under § 116d.21.

(b) *Informational basis for determining amount of entitlement.* The Commissioner determines the amount of the grant which a State educational agency is entitled to receive under this section on the basis of the best information available to him at the time he approves the application, including information on the number of children to be served and the nature and scope of the program. The Commissioner will redetermine this amount at any time during the fiscal year if the best information available demonstrates a basis for this redetermination.

(c) *Consideration of costs of past and future activities and amount of available funds.* The information on which the Commissioner determines the amount a State educational agency shall receive under this section includes:

(1) The total amount available to the State agency for its grant under § 116d.21;

(2) The estimated cost of program activities completed to date under preceding grant awards and the number of children who have been or are being served;

(3) The estimated cost of other activities to be initiated before the end of the current grant period (pursuant to the preceding grant award) and the estimated number of children to be served;

(4) In the case of requests for increases over the amount previously determined by the Commissioner under this section, the estimated cost of providing, if needed, special educational services that could be initiated before the end of the current grant period and the number of children who could be served thereby if additional funds were made available; and

(5) The unused amount from the State educational agency's grant pursuant to the preceding grant award.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

(d) *Reallocation of excess funds.* If the Commissioner determines that the amount available for grants for a State as determined in accordance with § 116d.21 exceeds the amount determined to be needed under this section the Commissioner shall, to the extent necessary, allocate this excess to other State educational agencies whose total amount available for grants under § 116d.21 would otherwise be insufficient to serve eligible children in that State.

(20 U.S.C. 241c-2(b); Sen. Rep. No. 634, 91st Cong., 2nd Sess. 12-13 (1970).)

§ 116d.23 Payments.

The Commissioner shall make all payments of funds under this part in accordance with the requirements in Subpart F of Part 100b of this chapter. The amount of the payments to a State educational agency under this part may not exceed the amount of the grant to which that agency is entitled as determined by the Commissioner in accordance with § 116d.22 nor the amount obligated in accordance with § 100b.55(c) of this chapter during the period covered by the application.

(20 U.S.C. 241c-2, 1232d.)

§ 116d.24 Special arrangements by the Commissioner to conduct migrant programs.

If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration or, that it would add substantially to the welfare or educational attainment of such children, the Commissioner may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States and, for this purpose, the Commissioner may use all of part of the total of grants available for any such State under this section.

(20 U.S.C. 241c-2(a)(2).)

Subpart D—Program Requirements

§ 116d.31 Use of funds and information in State application.

(a) *Use of funds.* A State educational agency shall use funds provided under section 143(a) of the Act for use under this part only to perform the functions referred to in § 116d.10(b), and to carry out a program for instruction, and (subject to § 116d.38) for supporting services.

(b) *Information in application.* The State educational agency shall in its application to the Commissioner describe the proposed State program and shall specify the following:

(1) The areas within the State in which currently migratory children are expected to reside, and formerly migratory children are residing, and the approximate dates of the arrival in, and departure from, those areas of the currently migratory children;

(2) A statement showing the estimated number of currently and formerly migratory children expected to reside or

residing in the State and the number of these children in each category (currently or formerly migratory) to be served, and the sources and methods used to calculate these estimates;

(3) A summary of the information (including information from other State educational agencies and the migrant student record transfer system) concerning the special educational needs of the migratory children expected to reside in the State in or during the periods covered by the application. The State educational agency shall include in this summary all available information with respect to educational performance and cultural and linguistic background which is relevant to assessing the educational needs of the children;

(4) A statement of the objectives (including performance criteria) of the program, a description of each service to be provided, the estimated number of children by age and anticipated grade placement (including eligible children enrolled or to be enrolled in private schools), a description of any inservice training estimated to be required (including the type of training, frequency and number and type of staff members who will participate in that training), the type and number of staff which it is estimated will be employed, and the facilities and materials to be used. The estimates required by this paragraph shall be based on all relevant information, including, but not limited to, the prior year's experience;

(5) A statement of the procedures and instruments by which the effectiveness of the program will be evaluated in accordance with § 116.43 of this chapter;

(6) A description of the agency's program for involving parents and appropriate representatives of migratory children in accordance with the requirements of § 116d.37;

(7) A description of the types of information (in addition to the migrant student record transfer system) which the State educational agency will communicate to State educational agencies in other States about the migratory children to be served and the agency's plan for insuring as much continuity as possible in the education of these children;

(8) A designation of the State educational agency activities proposed to be charged to administrative funds pursuant to § 116d.10(a); and

(9) A description of the State educational agency's plan for meeting the requirements of § 116.45 of this chapter pertaining to dissemination of public information.

(20 U.S.C. 241c-2(a), 1232c(b).)

§ 116d.31a Programs of instruction for preschool migratory children.

For the purpose of § 116d.31(a), a program of instruction designed to meet the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen means a program:

(a) Limited to children who are under the age at which public elementary education is provided in accordance with State law;

(b) Comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not merely for custodial purposes; and

(c) Conducted by or under the direct supervision of a person qualified under State law to conduct the activities referred to in paragraph (b) of this section.

(20 U.S.C. 241c-(a)(1)(D).)

§ 116d.32 State budgets.

A State educational agency shall include in its application a budget in a form prescribed by the Commissioner showing:

(a) The estimated costs for each service and the total costs of all services as described in the application;

(b) The estimated amount of unobligated funds which are available from the preceding fiscal year's appropriation; and

(c) The amount applied for from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b).)

§ 116d.35 Inclusion of formerly migratory children.

Formerly migratory children may participate in projects which include currently migratory children, or may participate in projects developed solely for the formerly migratory children, under the following conditions:

(a) Their participation will not prevent the participation of currently migratory children nor dilute the effectiveness of programs for those children;

(b) There is on file current valid documentation of each formerly migratory child's eligibility status; and

(c) There is on file the signature of the parent or guardian indicating consent to each formerly migratory child's participation. This signature must be obtained annually and be dated not earlier than 12 months prior to the beginning of the child's participation.

(20 U.S.C. 241c-2(a)(3).)

§ 116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.

(a) *Assurances by State educational agency.* Each State educational agency applying for a grant under this part shall include in its application an assurance that, during the time migratory children reside in the State, the State educational agency will not conduct a program for migratory children under this part through a local educational agency which does not provide for access by migratory children to State and locally funded educational facilities and services comparable to those ordinarily provided to non-migrant children who reside in the attendance area in which the migratory children are served. The preceding sentence does not apply in the case of a project initiated at a time during which State and locally-funded educational facilities and services are not ordinarily available to non-migratory children; however, this exception does not limit or modify the requirements contained in § 116.40 of this chapter relating to supplanting of State and local funds, and services which by law the applicant is required to provide to migratory children. Nothing in this section limits or modifies the requirement of § 116a.26 of this chapter, paragraphs (g) and (h) of this section, pertaining to maintenance of comparability in school attendance areas where projects funded under Part 116a of this chapter are being conducted, and which serve migratory children.

(b) *Comparable access defined.* The requirements of paragraph (a) of this section are satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition and transportation services on the same basis as provided by the local educational agency to non-migratory children residing in the attendance area where migratory children are being served.

(3 U.S.C. 241c-2(a)(1)(C), 241e(a)(3)(C).)

§ 116d.37 Parental involvement.

Each State educational agency applying for a grant under this part shall demonstrate in its application that:

(a) The State educational agency has, (to the extent feasible considering the parents' time of residence in the State) consulted with the parents of children to be served or who are being served, and considered the views of these parents with respect to the planning of the State program; and

(b) One or more advisory councils will be established in the State composed of parents of children to be served or who are being served and of other persons knowledgeable of the needs of migratory children, and that such council(s) will be consulted and their views considered concerning the operation and evaluation of the present State program and local projects and the planning of future programs and projects.

(20 U.S.C. 241c-2(a)(1)(C), 241e(a)(8), 1231d.)

§ 116d.38 Supporting services.

(a) *General.* A State educational agency of its designated operating agency may provide health, welfare and other supporting services under this part, but only to the extent necessary to enable eligible school age and preschool children to participate effectively in instructional services.

(b) *Day care services.* Day care services for infants and very young children may not be provided under this part except as a support service to eligible preschool and older children, and then only on specific approval by the Commissioner. A State educational agency requesting funds under this part for day care services shall include this request in its application to the Commissioner or in an amendment to that application, and shall accompany its request with sufficient information to enable the Commissioner to determine that the day care described in the request is:

(1) Not available from other public or private agencies;

(2) Essential to enable preschool and school age migratory children to participate in the instructional program under this part; and

(3) Not extravagent in view of the cost, the number of children who would receive day care, the number of eligible children involved, and the effect the availability of such services would have on the attendance and participation of such eligible preschool and school age migratory children in instructional services provided under this part.

(c) *Day care services; required information.* A State educational agency requesting funds under this part for day care services shall support its request with information as to the estimated costs, a description of the specific services, and the pertinent conditions indicating a need for the services, including the estimated number of children requiring the service, the public and private agencies contacted to provide the services and their written responses, and a detailed account of the effect that the absence of the services has had on the attendance and participation of children in previous programs and would be expected to have on the attendance and participation of children in the program covered by the application. The State educational agency also shall provide information as to the estimated number of eligible preschool and school age children whose attendance and participation would be improved by the availability of such services and the extent of the improvement.

(20 U.S.C. 241c-2(a)(1)(A), (D).)

§ 116d.39 Criteria for the approval of State applications.

The Commissioner shall approve a State application only if he determines that it contains the information required by § 116d.31, and complies with all other requirements in this part and applicable requirements of Parts 100b and 116 of this chapter, and if he determines that:

(a) Payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of these children;

(b) Services to be provided show reasonable promise of meeting the special educational needs of migratory children of migratory agricultural workers and migratory fishermen as demonstrated by the needs assessment required by § 116d.31(b)(3) particulary with respect to improvements in the educational performance of children in the basic programs of instruction; and that payments under this part will be used for programs and projects which are of sufficient size, scope and quality to give reasonable promise of substantial progress towards meeting such needs;

(c) Provision will be made for programs of instruction to meet the preschool eductional needs of migratory children of migratory agricultural workers and migratory fishermen if (considering the amount of funds available) this provision will not detract from the operation of programs and projects for children of school age.

(d) The State Program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Economic Opportunity Act of 1964.

(e) In the planning of the State program described in the application, the State educational agency has consulted with other agencies, including the State educational agencies which have provided services for such children and are knowledgeable of their needs; and

(f) The State educational agency's plan for insuring continuity in the education of migratory children includes appropriate procedures for coordinating programs and projects with similar programs and projects in other States and for the agency's full participation in and full utilization of the migrant student record transfer system established by the Commissioner.

(20 U.S.C. 241c-2.)

§ 116d.40 Cooperative programs.

Two or more State educational agencies may submit to the Commissioner a joint application for a program or project involving children to be served by all of those particular agencies. By an appropriate interagency agreement, one such agency with the approval of the Commissioner may administer such a program or project.

(20 U.S.C. 1232c(b)(1).)

§ 116d.41 Commissioner's disapproval of State application; notice and hearing.

The Commissioner may not finally disapprove an application of a State educational agency under this part except after reasonable notice and opportunity for a hearing to that agency.

(20 U.S.C. 241c-2(a)(1).)

APPENDIX—SECTION 122 PROGRAMS FOR MIGRATORY CHILDREN

SEC. 122(a)(1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination:

(A) That payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children.

(B) That in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964.

(C) That such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (3) through (12) of section 141(a); and

(D) That, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

SECTION 843(d) OF PUB. L. 93-380

Notwithstanding any provision of part A of title I of the Elementary and Secondary Education Act of 1965 (section 241c et seq. of this title), the amount which the Commonwealth of Puerto Rico is eligible to receive under subpart 1 of such part A (this section) or under sections 131, 132, or 133 (sections 241c-1, 241c-2, or 241c-3 of this title) for the fiscal year ending June 30, 1975, shall not exceed 50 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart (this section) or section (section 241c-1, 241c-2, or 241c-3 of this title) but for this subsection, and for the fiscal years ending June 30, 1976, September 30, 1977, and September 30, 1978, such amount shall not exceed 75 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart or section but for this subsection.

[FR Doc.77-19384 Filed 7-12-77;8:45 am]

APPENDIX 3

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MIGRANT EDUCATION PROGRAM UNDER TITLE I ESEA

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Education and Public Welfare Division
September 23, 1977

Summary

The Migrant education program under Title I of the Elementary and Secondary Education Act (Public Law 89-10), as amended, is one of the three Part A programs referred to as State operated programs. Funding allocations for the program in FY 1978 are $145.8 million as compared with $9.7 million in FY 1967.

As one of the State operated programs, funds for the program are subtracted from the total appropriations before computations are made to determine the allocations for each State and subsequently for each local educational agency (LEA). This funding of the program "off the top" results in the State operated programs being fully funded while the LEA portion of Part A of Title I may be prorated because of a total Part A appropriation that was less than the authorization or because of an unanticipated growth in the number of pupils in the State programs. Each State's allocation is based on the number of pupils enrolled during the second prior year. In contrast to the operation of the portion of Part A that is allocated to LEAs, there is no local district entitlement under this program. The allocation is to the State and the State program allocation must be submitted and approved before funds are actually distributed.

For FY 1977 the pupil count for the various projects was estimated by United States Office of Education (USOE) at 675,000, but this number represents a duplicated count since pupils may participate in more than one project. The allocation to the States for FY 1977 was based on on 267,791 full time equivalent pupils, for FY 1978 the allocation figure is 296,430 pupils. The FY 1978 allocations have been based on programs projected for 46 States plus Puerto Rico.

The findings and observations of this study are based on a review and analysis of documents in the USOE and interviews with various persons who have been associated with the program at the national level. As a result of these activities, the following general observations seem pertinent:

1. The funding requirements of the program will in all likelihood continue to increase, for available information suggests that not all of the participating pupils are now being enrolled on the Migrant Student Record Transfer System (MSRTS).
2. The addition of the "children who have been migratory within the preceding five years but who have settled in an area operating a migratory program" has contributed to much of the growth in the full-time equivalent pupils in recent years. (Hereafter, these persons are referred to as "five year" children.)

3. The MSRTS data appear to represent a considerable improvement over the Department of Labor (DOL) data that were previously used to compute the allocations to the States.

4. The "hold harmless" provision may merit reconsideration in view of the number of States whose allocations are related to 1972 Department of Labor data that were based on a hypothetical number of students.

5. Operational problems with the MSRTS appear to be more related to the inadequacies of input information from local projects than to technical problems associated with the operation of the MSRTS.

6. Current efforts to develop a criterion referenced testing system as an integral part of the MSRTS should enhance the use of the MSRTS as an information source on student academic attainment.

7. Current procedures for determining the number of full-time equivalent pupils appear to offer the possibility that a State could receive credit for a child for a full year even though the project in which the child was enrolled may have lasted for only a few weeks and the child may have left the State.

8. When the recently published "interim final regulations" become final, States may have sufficient direction to avoid many of the operational problems historically associated with the program.

9. Even though comments in the proposed regulations attempt to clarify the matter, some confusion appears to exist concerning the intent of the legislation as to the order in which the target groups are to be served. Obviously, the first choice is the currently migratory school aged children of currently migratory parents. The confusion is related to the next group to be served. Comments in the proposed regulations indicate that the next group is to be the migratory school aged children of migratory parents who are not currently migratory but have been within the past five years. The statute appears to be unclear as to whether this group of children would be second in priority or the currently migratory preschool children of currently migratory parents.

10. The quality of the Migrant program reviews conducted by the USOE Migrant branch staff has been improving, and the reviews evidently have a positive impact on the Migrant education delivery system.

11. Current Migrant program evaluations from the States do not provide information of value in comparing programs on an interstate basis nor do they provide sufficient information to guide efforts for program improvement. Proposed changes appear to focus more on evaluations of student academic achievement progress than on program management oriented evaluations that might be used to improve the operational aspects of the program.

12. Identification, recruitment, enrollment, and eligibility of pupils appear to be continuing problems with the Migrant education program.

13. A comprehensive audit schedule for State Migrant programs does not appear to have been developed.

14. Evidence of positive action through interstate cooperative endeavors can be found, but much improvement can still be made in such areas as interstate cooperation, program planning, and program monitoring.

15. The position of the administration of the Migrant program within the USOE bureaucracy and the relative number of staff members assigned full time to the Migrant branch are perceived as problems by persons in the Migrant branch and by "third party" observers.

16. Operationally, the Migrant education program is different from other allocation programs. First, the program serves a highly mobile population group. Second, in many cases, the educational opportunities are provided by LEAs on a project basis through the State educational agency. Third, the USOE is responsible for approving and monitoring projects on the basis of the State's program plan.

17. With the adoption of the proposed regulations, some additional guidance should be available for States to reduce the problems associated with ineligible pupils in the program and inappropriate uses of program funds.

MIGRANT EDUCATION PROGRAM UNDER TITLE I ESEA*

Introduction

The Migrant education program under Part A of Title I of the Elementary and Secondary Education Act (ESEA), as amended, addresses the educational problems of a segment of the population which has experienced neglect and inadequate educational opportunities in a variety of ways. In this study attention has been given to the trends in the development of the program, current operational procedures, students in the program, and program evaluation and monitoring activities.

In addition to interviews with various personnel associated with the Title I Migrant Program, the following records and reports were examined:

1. Data on fiscal allocations, the number of pupils used for allocation, and the number of participants.
2. State plans for Migrant Education Programs for FY 1976 and FY 1977.
3. Management Reviews conducted in FY 1975, FY 1976, and FY 1977.
4. Selected State evaluation reports for FY 1974, FY 1975, and FY 1976

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*Note should be made of the cooperation received from USOE staff members, for this project could not have been completed by the requested date without the assistance and cooperation of the various staff members in the Division of Education for the Disadvantaged and the Migrant branch in particular. The candor of the observations during the interviews, the ease with which reports and materials were made available, the promptness in responding to routine inquiries, and the provision of work space for the review of documents are concrete examples of the assistance that was provided.

5. Background information on the Migrant Student Record Transfer System (MSRTS).

6. All available audits of State Migrant Programs conducted from FY 1967 through FY 1976.

Background

Among the various programs funded by the Federal Government, the Migrant education program under Title I of ESEA has several rather unique features. For this reason, education of Migrant children has become a national concern. The following excerpts[1] from the DHEW audit reports on the Migrant branch of the Division of Education for the Disadvantaged provide interesting background for the program and the interaction among Federal, State, and local educational agencies involved with the program:

> The Migrant program differs from other education programs in that the highly mobile child is often the concern of school districts in more than one State. The child's "local education agency" is an interstate or interregional segment of the country. The success and continuity of his education under these conditions, therefore, depends on central leadership from the Office of Education and the joint cooperation of the States to plan and coordinate their administrative efforts.
>
> The Migrant Programs Branch was established to manage the nationwide program. This branch is organizationally under the Division of Compensatory Education, Bureau of Elementary and Secondary Education. Essentially, it is the responsibility of the Migrant Programs Branch

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[1] DHEW ACN 13-33700 (July 12, 1972), ACN 13-40007 (May 2, 1974), and ACN 13-5003 (December 27, 1974), Department of Health, Education and Welfare.

to: (1) interpret laws and promulgate regulations and guidelines, (2) review, approve, and fund State project applications for Federal assistance, (3) provide consultory services to States, and (4) assess overall program results.

The advent of the Migrant Children Education Program brought about a myriad of problems and challenges to educators and administrators alike, generally unique in nature and national in scope. Very few precedents were established in the education of migrant children, despite earlier experiences gained under other ESEA Title I programs.

Education of migrant children presents unique workload problems. They move frequently from school district to school district for periods which often do not coincide with the normal school term. Schools' attendance peaks sharply with the influx of children in areas supporting concentrations of migrant families. It drops equally fast on outward migrations. The lack of educational and health histories on migrant children made grade placement judgments difficult and medical needs unknown. Minority teachers, administrators, and bilinguists were in short supply, adding to existing problems.

The isolation of the migrant child from the community at large, both culturally and linguistically, triggered other administrative problems that were difficult to overcome. Efforts to enroll migrant children in schools were often thwarted by their parents because they wanted their children near them, needed help to pick in the fields, or could not afford the increased expenses. Attitudes of hostility and alienation were reportedly prevalent in nearby communities. Student motivational factors were said to be a common problem. This was corroborated by high dropout rates.

Furthermore, at the onset of the program relationships among Federal-State-local agencies under regular Title I programs had not yet stabilized. State and local agencies were still adjusting to their roles in coping with and accepting new social and economic aspects of educational deprivation. The traditional autonomy of local educational agencies (LEAs) was another inhibiting factor in the development of administrative machinery to cope with increased planning, monitoring and evaluation activities, broadening property and administrative control functions and establishing community involvement in the educational process.

History of the Migratory Provisions Under Title I of ESEA

The Elementary and Secondary Education Act (ESEA) was signed into law on April 11, 1965 (Public Law 89-10). Title I of ESEA provided financial assistance to local educational agencies for the education of children of low-income families. With the exception of a maximum of 1 percent for State administration, all payments for basic grants were provided for eligible programs operated by the local educational agencies. State-operated educational programs for migratory children did not qualify for funding under the original provisions of ESEA.

Public Law 89-750 (1966)

The Elementary and Secondary Education Amendments of 1966 were signed into law on November 3, 1966. For the first time, payments were provided under Title I of ESEA to State educational agencies for assistance in educating migratory children aged 5 to 17 of migratory agricultural workers. Eligible migratory children included both those children residing in each State full-time and the full-time equivalent (FTE) children residing within the State part-time.

Payments were calculated on the basis of the estimated number of eligible children times the Federal percentage of the national average per pupil expenditure. The Federal percentage was defined by law to be 50 percent. Eligible States included the 50 States and the District of Columbia.

Before being deemed eligible to receive migratory program funding, States were required to coordinate with other States in the "transmittal of pertinent information with respect to school records of" migratory children. The Migrant Student Record Transfer System (MSRTS) became the eventual result of this provision. That system will be discussed later.

The establishment of migratory programs operated by State educational agencies as an eligible provision of ESEA Title I was first proposed both in the identical House bills -- H.R. 13160 (Powell) and H.R. 13161 (Perkins) — and in the Senate bill -- S. 3046 (Morse and McGee). Eligibility for neglected or delinquent children in State agency programs was established under another provision of Public Law 89-750. Similar State agency programs for handicapped children were added to ESEA Title I by Public Law 89-313.

Public Law 90-247 (1967)

The Elementary and Secondary Education Amendments of 1967 were signed into law on January 2, 1968. Regarding State agency programs for migratory education, the basis for the calculation of payments was changed so that the calculation became the number of eligible children times the average per pupil expenditure in each State or, if greater, in the United States. (This change brought the payment calculation into conformity with the calculation for State agency programs for the handicapped.) Furthermore, the procedure to be followed when appropriations were not sufficient to pay the full amount of ESEA Title I was changed so that State agency programs were to be paid the full amount of entitlement. Ratable reduction under such circumstances was applied only to payments for basic grants to local educational agencies. Finally, State agency programs for the education of migratory children could include children who had been migratory within the preceding five years but who had settled in an area of an agency operating a migratory program. Such children, however, were not to be included in the calculatign of entitlements.

Public Law 91-230 (1970)

Public Law 91-230 was signed into law on April 13, 1970. This Act required that State grants for migratory children be based on the number of migratory children served. It also authorized the Commissioner of Education to reallocate funds which exceed the amount required to fund any State's program for migratory education to other States where allocations are insufficient to serve such programs.

Public Law 93-380 (1974)

The Education Amendments of 1974 were signed into law on August 21, 1974. The provision for State educational agency programs for migratory children was rewritten. States were allowed to operate programs either directly or through local educational agencies. Migratory children of migratory fishermen were included for the first time. Each State had to assure that provision will be made for the preschool educational needs of migratory children to the extent that such programs will not detract from the programs and projects for regular migratory children.

Changes were made for children who had been migratory within the preceding five years but who had settled in an area of an agency operating a migratory program. Such children became eligible for the first time for purposes of entitlement for payment, but, while such children continued to be eligible for inclusion under migratory programs and projects, priority first had to be placed on program operation for children who were currently migratory. Even though such children could have been counted for allocation purposes in FY 1975, the USOE did not include them until FY 1976 because of the lack of data that the USOE considered sufficiently reliable for allocation purposes.

Changes were also made under Public Law 93-380 in the method of calculating and making payments for ESEA Title I State-operated programs, so that the total grant is calculated by multiplying each State's average per pupil expenditure (but with a minimum of 80 percent — except for Puerto Rico — and with a maximum of 120 percent of the national average per pupil expenditure) times 40 percent times the number of eligible children. Eligible States include the 50 States, the District of Columbia, Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Special provisions were made for payments to the Territories. Finally, it guaranteed that no State program under Title I should receive less funding than each such program received in the prior fiscal year.

Summary data for the program are shown in Table 1. During the period between FY 1967 and FY 1978, significant increases have been made in the amount of total funds allocated to the program, the number of children that are counted for entitlement, and the amount of funds per pupil. The last column indicates the amount of funds reserved for the MSRTS, the data center for the operating projects that computes the number of FTE pupils in each State for funding purposes.

The number of FTE pupils by status in the Migrant programs is shown in Table 2; these data were used to determine the entitlement for each State for the fiscal years indicated. A State-by-State listing for each of the fiscal years may be found in the Appendix. Among the various categories, the greatest growth in FTE pupils was in the "five year" category. As shown in Table 3 the percentage increase for the "fisherman" pupils was greater than for the other categories, but the magnitude of the increase in terms of the total number being served was rather small.

TABLE 1 -- FUNDING HISTORY OF THE MIGRATORY PROVISION UNDER TITLE I OF ESEA

Fiscal Year	Appropriations	Children Counted for Entitlement	Dollars Per Eligible Child	Amount Reserved for the Migrant Student Record Transfer System
1966	$ 0	0	$ 0	$ 0
1967	$ 9,737,847	169,910	$ 57	$ 0
1968	$ 41,692,425	163,282	$255	$ 0
1969	$ 45,556,074	157,153	$289	$ 550,000
1970	$ 51,014,319	159,650	$319	$ 650,000
1971	$ 57,608,680	161,026	$357	$3,100,000
1972	$ 64,822,926	161,859	$400	$1,900,000
1973	$ 72,772,187	162,480	$447	$ 725,000
1974	$ 78,331,437	162,480	$482	$1,900,000
1975	$ 91,953,160	219,792	$432	$1,900,000
1976	$ 97,090,478	212,256	$457	$1,700,000
1977	$130,909,832	267,791	$489	$2,300,000
1978	$145,759,940	296,430	$492	$2,100,000

SOURCES: ESEA Title I budget documents and data supplied by the USOE Division of Education for the Disadvantaged.

TABLE 2 -- NUMBER OF FULL TIME EQUIVALENT MIGRANT STUDENTS
FOR ENTITLEMENT PURPOSES BY STATUS
FOR FY 1976, FY 1977 AND FY 1978

Status	Number of Students FY 1976	 FY 1977	 FY 1978
Agricultural	206,951	266,421	292,996
Interstate	84,918	115,235	118,285
Intrastate	47,912	64,416	72,391
Five Year	45,227	86,770	102,320
No Status*	28,894	---	---
Fisherman	523	1,333	3,434
Interstate	150	444	948
Intrastate	123	305	782
Five Year	250	584	1,704
Total	207,474	267,754	296,430
Interstate	85,068	115,679	119,233
Intrastate	48,035	64,721	73,173
Five Year	45,477	87,354	104,024
No Status	28,894	---	---

*Indicates that no status code was received.
Source: USOE Migrant Branch.

TABLE 3 -- PERCENT INCREASE IN NUMBER OF FTE STUDENTS BY STATUS FOR FY 1977 AND FY 1978 OVER FY 1976 AND FOR FY 1978 OVER FY 1977

	Percent Increase		
	FY 1976 Base		
Status	FY 1977	FY 1978	FY 1978 Over FY 1977
Agricultural	29	42	10
Interstate	28	32	03
Intrastate	34	51	12
Five Year	92	126	18
Fisherman	155	557	158
Interstate	196	532	114
Intrastate	148	536	156
Five Year	134	582	192
Total	29	43	11
Interstate	36	40	03
Intrastate	35	52	13
Five Year	92	129	19

Source: CRS calculations of USOE Migrant Branch data.

Appropriations for Part A of Title I and all of its suballocations are shown in Table 4. The percent of Part A funds allocated for each of the subprograms is shown in Table 5. The total allocation in FY 1966 for Part A was approximately $1,193 million; the amount had increased to $2,247 million by FY 1978. In FY 1967 the percent of the funds allocated for Migrant programs was .9 percent, in FY 1968 it was 3.5 percent; by FY 1977 the percent for Migrant programs had increased to 6.5 percent of the total Part A allocation. As indicated in the table, the percent remained at 6.5 percent for FY 1978. (A chart in the appendix contains information on the total Title I appropriation and the LEA allocations from 1965-66 through 1976-77, and the impact of inflation has been illustrated through the use of the "Implicit GNP Deflator" with 1966 being the base year for the calculations.)

As one of the State operated programs in Part A of Title I, funds for the Migrant education program are "off the top" of the appropriation for Part A of Title I. Funds for the State programs are subtracted from the total Part A appropriation for the Nation before allocations for each State and subsequently for each LEA are determined. The funding of the State program in this manner results in those programs being fully funded and the LEA allocations being prorated in the event of an appropriation less than the authorization or an unanticipated growth in the number of pupils in the State programs.

TABLE 4 -- AMOUNT OF APPROPRIATIONS FROM ESEA TITLE I PART A FOR FY 1966 THROUGH FY 1978 FOR EACH COMPONENT PROGRAM
(in millions)

			State Programs					
FY	Total Part A	LEAs (A)	Hdcpd (B)	J/D (C)	ACI (D)	N/C (E)	Mig (F)	Admin (G)
1966	$1,193	$1,165	$15.9	--	--	--	--	$12.5
1967	1,053	1,015	15.1	$2.0	--	$0.2	$ 9.7	11.2
1968	1,191	1,100	24.7	9.2	--	1.1	41.7	14.0
1969	1,123	1,020	29.8	12.5	--	1.5	45.6	13.4
1970	1,339	1,219	37.5	14.3	--	1.7	51.0	15.4
1971	1,478	1,340	46.1	16.4	--	1.8	57.6	16.6
1972	1,565	1,407	56.4	18.0	--	2.2	64.8	17.3
1973	1,731	1,536	76.0	18.6	$6.8	2.1	72.8	18.7
1974	1,654	1,446	85.8	17.6	5.9	2.0	78.3	18.0
1975	1,813	1,587	87.9	18.1	6.7	2.0	92.0	19.3
1976	1,866	1,625	95.9	18.1	7.3	2.0	97.1	19.8
1977	2,014	1,721	111.4	19.1	7.8	2.0	130.9	21.2
1978	2,247	1,927	121.6	19.5	8.3	2.0	145.8	22.5

Column A: Appropriations allocated to LEAs.
Column B: Appropriations allocated to State programs for handicapped children.
Column C: Appropriations allocated to State Programs for juvenile delinquents.
Column D: Appropriations allocated to State programs for adult correctional institutions.
Column E: Appropriations allocated to State programs for neglected children.
Column F: Appropriations allocated to State programs for migrants.
Column G: Appropriations allocated to State programs for State administration.

Source: USOE Division of Education for the Disadvantaged tables.

TABLE 5 -- PERCENTAGE OF TITLE I PART A APPROPRIATIONS ALLOCATED TO EACH COMPONENT PROGRAM FOR FY 1966 THROUGH FY 1978

		State Programs					
Fiscal Year	LEAs (A)	Hdcpd (B)	J/D (C)	ACI (D)	N/C (E)	Mig. (F)	Admin. (G)
1966	97.6	1.3	--	--	--	--	1.1
1967	96.3	1.4	0.2	--	0.1	.9	1.1
1968	92.4	2.1	0.8	--	0.1	3.5	1.1
1969	90.9	2.6	1.1	--	0.1	4.1	1.2
1970	91.1	2.8	1.1	--	0.1	3.8	1.1
1971	90.7	3.1	1.1	--	0.1	3.9	1.1
1972	89.9	3.6	1.2	--	0.1	4.1	1.1
1973	88.7	4.4	1.1	0.4	0.1	4.2	1.1
1974	87.4	5.2	1.1	0.4	0.1	4.7	1.1
1975	87.5	4.8	1.0	0.4	0.1	5.1	1.1
1976	87.1	5.1	1.0	0.4	0.1	5.2	1.1
1977	85.4	5.5	1.0	0.4	0.1	6.5	1.1
1978	85.7	5.4	0.9	0.4	0.1	6.5	1.0

Column A: Appropriations allocated to LEAs.
Column B: Appropriations allocated to State programs for handicapped children.
Column C: Appropriations allocated to State programs for juvenile delinquents.
Column D: Appropriations allocated to State programs for adult correctional institutions.
Column E: Appropriations allocated to State programs for neglected children.
Column F: Appropriations allocated to State programs for migrants.
Column G: Appropriations allocated to State programs for State administration.

Source: CRS calculation from USOE Division of Education for the Disadvantaged tables.

Determination of the Number of Pupils for Entitlement Purposes

Currently, Migrant program funds are allocated to the States on the basis of the number of pupils enrolled in the MSRTS for the second prior year to the year for which allocations are being made. Obviously, the accuracy of the system is dependent upon the accuracy of the enrollment data submitted from the local projects. As discussed in later sections of this report, various concerns have been expressed about the degree to which local project personnel are committed to making sure that all children in the program are enrolled on the MSRTS. The two year lapse between enrollment and the recognition of the enrollee for funding purposes and the pattern of the funds accruing to the State as a whole rather than to the local project may influence the level of interest that project personnel have in assuring that all pupils are entered in the MSRTS.

Pupils for Funding Purposes

Prior to FY 1975 funding was based on an estimated number of Migrant children computed from estimates of the Migrant labor force provided by the Department of Labor (DOL). The assumption was that each State was entitled to funding for .75 of a Migrant child for each Migrant laborer in the State as recorded on DOL records. A reported problem with this assumption was that the families of some Migrant labor crews traveled as integral units and the children remained "at home" while the father was in the Migrant labor force. With some work crews, the father may have been the only person in the Migrant work stream.

Questions have also been raised about the degree to which the DOL records contained the entire Migrant work force.

Even though the funding base has shifted from the DOL records to the MSRTS, a "hold harmless" clause contained in the legislation provides that the funding for a State may be based on the level of funding for the prior year if that level is higher. The application of this provision extends backward to the time that the funds were being distributed on the basis of the DOL data; consequently, the assumptions involved in the DOL estimates of the number of Migrant children still influence the allocation system in 14 States as shown in Table 9.

The distribution of the 490,411 active students in the MSRTS on July 6, 1977, is shown in Table 6.

TABLE 6 -- DISTRIBUTION OF THE ACTIVE STUDENTS IN THE MSRTS ON JULY 6, 1977 BY TYPE OF MIGRANT STATUS

Type of Migrant Status	Number of Students		By Status Percent
Migratory Farmworkers		484,290	
Interstate	213,374		44
Intrastate	122,561		25
Five Years	148,355		31
Migratory Fishermen		6,121	
Interstate	1,928		32
Intrastate	1,437		23
Five Years	2,756		45
Total		490,411	
Interstate	215,302		44
Intrastate	123,998		25
Five Years	151,111		31

Source: Base Status Report from MSRTS dated July 13, 1977.

The largest group of Migrant students recorded on the MSRTS was the "interstate" category; 44 percent of the students were in that group. The second largest was the "five year" category with 31 percent of the total being in that category. The patterns for the total and for the migratory farmworkers were very similar on a percentage basis, but the "five year" group was the largest subgroup of the migratory fishermen pupils. (These students are not full-time equivalents, but the number is theoretically an unduplicated count and each student has the potential of being 1.00 FTE.)

As shown in Table 7, from FY 1967 to FY 1978 the number of children used for allocation purposes increased from 169,910 to 296,430, an increase of 74 percent. From the FY 1975 base of 219,792 the number of formula children increased to 296,430 by FY 1978, an increase 35 percent.

Data in Table 8 indicate the differences between the number of children used for entitlement purposes as contrasted to the number of participants. This information was secured from USOE ESEA Title I records and the number of participants are reportedly estimates from FY 1967 through FY 1973. For the remaining years the data were supplied by the MSRTS. For the first four years of the program USOE records indicated that the estimated number served was equal to the entitlement number. By FY 1977 the number of participants was 252 percent of the entitlement count.

TABLE 7 -- NUMBER OF FORMULA CHILDREN USED TO COMPUTE TITLE I MIGRANT ALLOCATIONS

Fiscal Year	Number of Formula Children	Percentage of 1967 Allocation	Percentage of 1974 Allocation
1967	169,910	--	--
1968	163,282	96	--
1969	157,153	92	--
1970	159,650	94	--
1971	161,026	95	--
1972	161,859	95	--
1973	162,480	96	--
1974	162,480	96	--
1975	219,792	129	--
1976	212,256	125	100
1977	267,791	158	126
1978	296,430	174	140

TABLE 8 -- NUMBER OF MIGRANT PUPILS COUNTED FOR ENTITLEMENT AND NUMBER OF PARTICIPATING CHILDREN

Fiscal Year	Entitlement Count	Participants*	Ratio Participants/ Entitlements
FY 1967	169,910	169,910	100
FY 1968	163,282	163,282	100
FY 1969	157,153	157,153	100
FY 1970	159,650	215,000	135
FY 1971	161,026	215,000	134
FY 1972	161,859	215,000	133
FY 1973	162,480	300,000	185
FY 1974	162,480	380,000	234
FY 1975	219,792	430,000	196
FY 1976	212,256	530,000	250
FY 1977	267,791	675,000	252
FY 1978	296,430	--	--

*Data are not comparable to the FTE funding base for students may have participated in multiple projects.

Source: USOE Division Education for the Handicapped.

"Hold Harmless" Provision

Under the provisions of the statute a "hold harmless" provision provides that

> No State shall receive in any fiscal year... an amount which is less than 100 per centum of the amount which that State received in the prior fiscal year....

Under these provisions, if a State's count were high under the Department of Labor estimates, the allocation would remain at the same level even though the number of children used as the base for funding may never have been in an educational program for Migrant children in the State. The list of States under the "hold harmless" clause for FY 1978, the amount of their entitlement based on MSRTS information, and the differences between the two amounts are shown in Table 9.

TABLE 9 -- STATES WITH ALLOCATION ON THE "HOLD HARMLESS" CLAUSE

State	DOL FY 72 Floor	High Year FY 75-FY 77	FY 78 Allocation Base	Percent Hold Harmless
Alabama	$ 711,306		$ 551,234	29
Connecticut		$ 1,232,389 (77)	988,202	25
Delaware	315,216		279,971	13
Florida		16,912,200 (77)	14,770,538	14
Idaho		2,354,857 (77)	2,185,884	8
Indiana		1,004,406 (77)	948,605	6
Maryland	950,419		306,764	210
Michigan		4,668,979 (77)	4,363,230	7
Montana	872,462		266,972	227
Nebraska	289,431		265,436	9
New Jersey	2,279,346		1,144,908	99
New Mexico		2,427,294 (75)	1,734,299	40
North Dakota	762,709		360,311	112
Ohio	1,516,620		1,405,362	8
Pennsylvania		823,898 (77)	779,222	6
South Carolina	644,158		282,864	128
South Dakota	37,510		21,950	71
Tennessee	322,311		230,267	40
Utah	263,961		191,337	20
Virginia	778,917		375,169	108
West Virginia	209,317		114,305	83
Wyoming		280,928 (75)	234,943	20
Totals		$39,658,634	$31,801,773	25

Source: USOE Migrant Branch.

Of the 22 States whose Title I Migrant allocations for FY 1978 were based on the "hold harmless" provisions, 14 had their allocations based on the FY 1972 Department of Labor estimates that were computed as a percent of the Migrant labor force rather than the number of school age or school attending children associated with the Migrant labor force. As shown in Table 9, two States (Maryland and Montana) were receiving "hold harmless" payments that were over three times the FY 1978 allocation as determined by the number of FTE pupils who participated in the program in FY 1976. Six additional States (New Jersey, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia) were receiving funds from 71 to 128 percent more than would have been allocated under for the FY 1978 allocation.

In eight additional States the "hold harmless" clause was operative because the payment for FY 1975 or FY 1977 was higher than the amount that would have been used for the allocation in FY 1978. In none of these latter States was the amount over 40 percent more than the FY 1978 entitlement and in only two was it more than 25 percent. The additional cost of the "hold harmless" clause was $7,856,861 for FY 1978. Maryland, Montana, and New Jersey received over $600,000 each in additional funds under the DOL FY 1972 floor in the calculation of their "hold harmless" payments. Of the three States New Jersey received over $1.1 million in additional funds under the "hold harmless" provision.

Of the seven States under the "hold harmless" clause based on on payments during the period FY 1975-FY 1977, Florida and New Mexico were the only States receiving more than $250,000 in additional funds. The $2,191,662 in Florida represented only a 14 percent increase over the State's entitlement based on the FY 1976 FTE pupil count that would have been used to compute the FY 1978 entitlement. In New Mexico the impact was somewhat different, for the funds represented an increase of 40 percent over the FY 1978 entitlement based on the FY 1976 FTE pupil count.

Regulations for the Migrant Program

Even though the program has been in operation since 1967, no regulations specifically for the program had been adopted as of the date of this report. "Interim final regulations" were published in the Federal Register of July 13, 1977 (p. 36076-36085). Hearings on these regulations were conducted throughout the Nation between August 16 and August 26, 1977. The Migrant advocacy groups took legal action to delay the hearings because the sites of the hearings were not near the present location of the Migrants and only a short time existed between the conclusion of the hearings and the scheduled date for publication of the approved regulations.

Additional hearings have been scheduled for late fall or mid-winter, on dates and at sites near which the Migrant parents and their children would be at that time. Final regulations will not be adopted until after those hearings have been concluded and sufficient time has been provided for the review of the testimony and documentation that might be submitted.

For the past several years, common problem areas have existed among the States. The intent of the regulations is to provide State Migrant offices with sufficient guidance to operate the program. The three major subdivisions of the regulations are:

Managerial Responsibilities of State Educational Agencies

Amounts Available for Grants and Payments

Program Requirements

One issue addressed in the comments on regulations concerns the question of priority of service after programs are provided for currently migratory children — should next attention be given to preschool children who are "currently migratory" or should attention be given to "formerly migratory children" (the "five year" children)? The comments in the published "interim final regulations" indicate that:

> Since preschool children do not generate funds, programs for formerly migratory children who are of school age are considered to take priority over programs established for any preschool children, whether currently or formerly migratory. 2/

The operational problems with the present program and the criticisms found in the audits and the evaluations may be reduced with the publication of the regulations. In the absence of regulations, program requirements were passed from one person to another, often without written justification for the operational suggestion. These problems became evident in the audits, for the auditors could not verify the

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2/ Special Educational Needs of Migratory Children -- Grants to State Educational Agencies, Federal Register, July 13, 1977, Part II, 9 (1), p. 36079.

historical oral directions for the program. This has resulted in the Migrant program being audited against the regulations of "regular" Title I, when the program was intended to operate differently. In some instances, the audit exceptions may have been more related to the differences between the operation and administration of the LEA portion of Title I and the Migrant programs portion than to the inefficiencies or inappropriate intent of the persons responsible for the operation of the Migrant program within a State.

Migrant Program Reviews

The staff of the USOE Title I Migrant branch conducts program reviews of the Migrant programs in the States on a regular basis. The States with large allocations ($1,000,000 or more) are scheduled for review on an annual basis, and efforts are made to review the other States on a biennial basis. A staff member from the USOE Migrant branch serves as the leader of the program reviews; in most instances the person responsible for the Migrant program in the regional office of DHEW is also a member of the team. In the large States a second person from USOE may accompany the leader of the program review. USOE staff members indicated that program directors from other States did not participate as members of the program review teams. The staff of the Migrant branch indicated that a minimum of 23 person days was required for each review.

In the latter part of FY 1975 the procedures for the Migrant program reviews were revised to provide for greater consistency among the reviews. A common format has been followed since that time. This change resulted in a more systematic approach in the review process and should have made the site visits more beneficial for the States. At that time additional travel funds were also made available.

From the time of the adoption of the revised format, the program reviews have contained common elements that facilitate comparisons of identified strengths and weaknesses across programs. The format includes a narrative paragraph outlining the activities of the team and the names of the team members. Brief information is provided about the program, and this overview is usually followed by commendations for those aspects of the program that merit positive notice. The next section, areas of concern, provided much of the information for the following discussion; after providing brief information about the specific item, the normal pattern is to present an action recommendation. Following the discussion of the areas of concern, a compilation is presented of the positive comments for FY 1976.

To secure the basic information necessary for the review, the USOE team makes site visits to one or more of the operational Migrant education projects in the State and also to the SEA. Following the interviews and near the end of the three day visit, an exit briefing is held with the State Migrant director and the chief State school officer or his designee.

Areas of Concern in Migrant Program Reviews

Migrant program reviews were examined for FY 1975, FY 1976, and FY 1977. The areas of concern during each of the fiscal years are listed in Table 10.

TABLE 10 -- MAJOR AREAS OF CONCERN IDENTIFIED IN THE MIGRANT PROGRAM REVIEWS CONDUCTED BY USOE DURING FY 1975, FY 1976, AND FY 1977

Area of Concern	FY 1975 (N=24)	FY 1976 (N=36)	FY 1977 (N=23)	Total	Rank
Administrative Handbook	6	17	9	32	(6)
Dissemination	4	8	5	17	(12)
Fiscal Management	20	11	8	39	(5)
Interstate Activities	3	6	9	18	(10)
MSRTS	17	20	13	50	(3)
Needs Assessment	7	8	7	22	(7)
Program Evaluation	5	7	5	17	(12)
Program Operation	38	17	6	61	(1)
Program Organization and Administration	14	16	19	49	(4)
Project Control	9	7	3	19	(9)
Project Monitoring	5	8	7	20	(8)
Recruitment, Identification and Enrollment	16	21	21	58	(2)

The peak year for the "administrative handbook" to be an area of concern was FY 1976. Several of the reviews for FY 1977 indicated that the State had developed a handbook or was in the process of doing so. The rationale for the administrative handbook was stated as follows in one of the Migrant program reviews:

> Recommendation: In order to provide consistency in local project administration and operation, it is recommended that the SEA officials develop an administrative migrant program handbook containing such

> items as illustrated application forms, procedures, program objectives, parental involvement, standard forms to be used, and administrative, operational, and fiscal policies and regulations.

In some instances the reviews commended the State for having developed and distributed an administrative handbook to assist local project directors in the operation of the program.

Among the areas of concern, "dissemination" was noted the least number of times during the three years. The principal thrust of the recommendations was related to raising the level of community awareness about the program as a means of encouraging enrollment. A secondary interest was related to sharing information about projects and activities.

The interest in "fiscal management" was evident during all three years. This topic included the use of carryover funds, fiscal reporting procedures, adequate audits of LEA Migrant projects, maintenance of a current inventory of equipment purchased with Migrant funds, and payment of administrative salaries from funds that were to be used for the conduct of Migrant education projects.

In contrast to most other educational programs, the Migrant education program is an interstate program, for the pupils may attend schools in three or more States during a typical calendar year. For this reason, the program reviews have given considerable attention to "interstate activities" such as the attendance of the State project directors at regional and national meetings on the content and management of Migrant education programs. The need for communication and close coordination is recognized by those responsible for the program because of program continuity problems related to the movement of the pupils from one school district to another and often from one State to another.

For all three years, the "MSRTS" was either the second or third most prevalent concern. This category included training the terminal operators, encouraging the local projects to submit data into the system, and studying the turnaround time from the MSRTS. As an area of concern, "needs assessment" was noted in approximately the same number of States during all three years. This area of concern was noted in Texas for both FY 1975 and FY 1976, but was not noted in FY 1977. The reviews for Pennsylvania in FY 1975 and FY 1976 also noted the need for attention to "needs assessment," but a FY 1977 review for Pennsylvania had not been completed as of August 15, 1977.

"Program evaluation" issues were related to the adequacy of the evaluations that had been conducted and submitted by the States and also to the appropriateness of the State Migrant education director being responsible for designing, administering, and then evaluating the program. The contention was that the evaluation should be conducted by a third party or an entity not involved in the operation or administration of the program. In several instances this function had been assigned to another branch of the SEA, but one that had not been involved in the design, administration, or supervision of the Migrant education program.

Various aspects of "program operation" were major areas of concern during the FY 1976 reviews. Among the matters that received attention were the importance of a food service program, need for support of this program from sources other than Migrant funds, desirability of interagency cooperation to secure needed support services, need for vocational and career education programs for secondary aged migrant pupils. overall need for programs to serve secondary aged pupils, issues related to parental involvement in the projects, and use of Migrant funds for programs to serve non-Migrant pupils or to purchase materials for the use of all pupils.

"Program organization and administration" was first in FY 1975 in frequency of mention, fourth in FY 1976, and second in FY 1977. This topic covers several concerns identified by the review team -- need for improvement in relationships between the SEA and the LEAs, inadequate SEA Migrant staffing, assignments of SEA Migrant staff to unrelated responsibilities, and responsibilities of intermediate units.

The principal concerns under the category "project control" were the adequacy of comprehensive project application forms and the observance of appropriate procedures in the awarding of contracts for program support services. Information provided in the files indicated that the SEA had taken corrective action to comply with the suggestions of the team on these concerns.

In the operation of the Migrant education program, the SEA serves in many ways in the same fashion as an LEA does in typical educational programs. With this additional responsibility for program oversight and review, "project monitoring" throughout the State logically has become a priority matter for the SEAs. With programs scattered throughout a State, a highly transient group of pupils, and the real impetus for the program coming from either the Federal or State level, a sound design for State monitoring of the program is construed to be important by USOE to assure that a sound educational program is being provided for the Migrant pupils. The number of instances in which this was identified as a problem area was 5 in FY 1975, 8 in FY 1976, and 7 in FY 1977, but the relative number for FY 1975 and FY 1977 would be higher since reviews were provided for 24 States in FY 1975 and 23 States to date in FY 1977 as contrasted to 36 in FY 1976.

For both FY 1976 and FY 1977, the most prevalent area of concern was the "recruitment, identification, and enrollment of pupils" in the program. In FY 1976 the second most prevalent concern was the operations and support provided by the "MSRTS;" under this heading most of the observations were related to the submission of enrollment data to the system in Little Rock and the currency of the data returned for each of the pupils that the project had enrolled into the system. The "MSRTS" was the third most prevalent in FY 1975.

Commendations in Program Reviews

A staff member in the Migrant branch prepared a tabulation of the commendations in the program reviews for FY 1976. This tabulation is contained in Table 11. The most frequent commendation was the local and State commitment to the program. Fiscal controls and efforts to bring about interstate and interagency cooperation were the next most frequently mentioned commendations. Administrative handbook, dissemination, and parental involvement were the least frequently mentioned

TABLE 11 -- UNOFFICIAL TABULATION OF COMMENDATIONS FROM STATE PROGRAM REVIEWS -- FISCAL YEAR 1976

Commendations	Number of Times Cited
SEA/LEA Staff Commitment to Program	23
Fiscal Controls	14
Interstate/Interagency Coordination	10
Bilingual/Bicultural Personnel	10
Terminal Operators	10
Identification and Recruitment	9
Evaluation	6
Monitoring Instrument/Activity	5
Needs Assessment	5
Facilities/Equipment	5
Title I Coordination	4
SEA/LEA Administrative Relationship	4
Secondary School Programs/Career Education	4
Inservice Training	3
Supportive Services	3
Tutorial Programs	3
Administrative Handbook	3
Dissemination	2
Parental Involvement	2

Source: USOE Migrant Branch.

commendations, suggesting that these might be areas to which the SEAs should devote additional attention.

As a management review process, the Migrant program review provides the USOE staff with information about the program in each State visited, serves as a vehicle for the sharing of information among States as the members of the various review teams interact with one another and with the State staff members, and promotes some consistency among the various local projects and State programs. Correspondence indicated that the responses from the State were usually positive and also that corrective action was usually taken to comply with the suggestions.

Evaluation of Migrant Education Programs

State Evaluation Reports

Evaluation reports for the Migrant program are to be submitted annually by each State. In the preparation of this paper, evaluation reports were reviewed for FY 1974, FY 1975, and FY 1976. Only 11 of the reports for FY 76 were available; reportedly, the remainder were not in the USOE files at the time of the study. Reports may not have been received from some of the States, for the operating dates of the programs do not coincide with the Federal fiscal year and each State determines the period to be covered in its evaluation report. For FY 1974, 38 evaluation reports were reviewed, and for FY 1975, 20 reports were reviewed.

The varieties in format included a very comprehensive evaluation submitted by some States, a summary of a conference related to the Migrant program submitted by one State, and a simple tabulation of of the results of a questionnaire survey submitted to local project directors in one State. The range in content is so broad that the evaluations do not yield information required to determine the national characteristics or achievements of the program. In broad categories, the evaluations can be classified as follows:

1. Descriptions of the programs that resemble public relations documents.
2. A compendium of site visits and statistical reports for each of the local projects in the State with no State summary.
3. A compilation of statistical information about the State's program with no analysis.
4. A comprehensive evaluation of the program with recommendations and a report of the action taken on the previous year's recommendations.

The general characteristics of the reports were as follows:

1. The typical length was 50 pages, but many of these pages were often used to report tabular information in an appendix fashion. In several instances the actual content of the report related to "evaluation" consisted of less than 10 pages.
2. In a few States, the format was based on performance objectives with the report providing a response as to the progress made in attaining each objective.

3. Considerable attention was given to the MSRTS in several evaluations. Information suggested that wide variations existed in the level of usage of the system among the local projects.

4. Some of the State evaluation reports were principally composed of a collection of local project monitoring reports conducted by the SEA and others focused on the State program as a total entity.

5. In a few instances, the evaluation report indicated that the local projects had not responded to requests for data to be used in the preparation of the evaluation. (This may reflect State and local attitudes toward the evaluation, for one would assume that local projects would respond because of the close relationship between the State and the local projects in the operating and funding of the program.)[3/]

The only commonality among the Title I Migrant program evaluations is that each State does submit an evaluation. Currently, the system does not include (1) a consistent format among the States, (2) uniform content requirements suggested the USOE, or (3) a uniform submission date.

[3/] The example was in the FY 1976 Wisconsin evaluation; only 2 of 14 local projects reportedly responded to the State requests for data. The same condition was reported for Indiana; 22 of 45 projects reportedly provided test results for use in the State evaluation.

Problems related to USOE developing and imposing requirements related to State evaluations would not appear to preclude voluntary action by the State directors in designing and implementing a uniform format and common content for the evaluations. The conditions and the lack of action have contributed to the evolution of the following conditions:

1. The States have not been required to use a consistent content and format in the evaluation reports submitted to USOE.

2. The individual States have been left to their individual initiatives, or possibly cooperative efforts in a few instances, in determining the content and format of the evaluations.

3. The information made available did not indicate that the USOE had provided feedback to the States concerning the adequacy of the evaluations that had been submitted.

Notations in the reports indicated that they had been reviewed, but no evidence was found of any communications with the States concerning the content of the reports. Evidently, the reports are reviewed and filed. In the absence of feedback to the States or some evident use of the evaluations, the variations in content and format might be expected.

Evaluations from Montana, Illinois, and Texas were most informative and contained sufficient information to facilitate an understanding of the program and its strong and weak points. The program in Vermont was very small, and the evaluations were very sketchy. The evaluations submitted by Virginia also contained limited information.

Even though the Migrant branch does not require a standard format for the Migrant program evaluations, the staff did provide a a guide for the State evaluations that was dated November 1, 1969. A few of the States did follow this general format in the organization of their evaluation reports. The components recommended in the handout for the State evaluation included the following:

Exemplary Projects
Children Served
Grade Placement
Teacher-Pupil Ratio
Inter-Relationship with the Regular Title I Program
Coordination with Other Programs
Inservice Training
Non-Public School Participation
Dissemination
Community Involvement
Program Effectiveness
Special Areas
Construction-Equipment
Supportive Services

Program Integration

Staff Utilization

New Programs

Program Critique

Among the evaluations only limited attention had been given to the recruiting efforts used to enroll pupils in the program.

Present efforts to improve the State evaluation reports of Migrant education programs are concentrated on two activities:

1. Under Section 151 of P.L. 89-10 (ESEA) as amended, ten technical assistance centers have been established primarily to provide assistance to the States in training persons involved in the evaluation of Title I programs, including Migrant programs. The function of the centers is to provide training in the identification of needed data, procedures for data analysis, and techniques for data presentation.

2. A multi-year evaluation of the Migrant education program is currently in progress in USOE under a contract with the Research Triangle Institute (RTI). The design phase of this study was to have produced prototype evaluation formats that could have been used in preparation of State evaluations, but did not do so because of the inadequacies of the existing data and reporting procedures from the existing projects. RTI is preparing recommendations

related to the use of the MRSTS as the data gathering and data storage facilities for an annual testing program that would be used for program evaluation.

The problem of consistent evaluation formats remains to be resolved. No plans are evidently being made to assist States in the development of a common format through which a comprehensive program evaluation might be conducted. Without some consistency in the evaluation of the operational aspects of the program and the projects within and among the States, review and analysis of what is essentially a national program is very difficult.

National Evaluation Reports

Various national evaluation studies of the Migrant education program have been conducted in recent years. Even though conducted by different agencies, certain common recommendations may be identified among the reports:

1. More curricular programs especially designed to serve Migrant children.
2. Better methods for sharing of information about the operation of Migrant education projects.
3. Increased attention to identification and enrollment of eligible pupils.
4. Closer coordination among the Federal, State, and local agencies operating the programs.

5. Better use of the capabilities of the pupil data system available through the MSRTS.

A report[4/] released by the General Accounting Office on February 6, 1973, focused on the full range of issues related to the living conditions of Migrants, but one subsection was related to the education of Migrant children. The recommendations in this subsection were that:

> HEW, through the Office of Education should:
>
> --implement requirements of the Elementary and Secondary Education Act by developing an effective monitoring and evaluation system that will provide information on (1) progress of migrant education programs in improving achievement of migrant children and (2) the best teaching methods, curricula, and educational materials to meet their special educational needs,
>
> --disseminate this information to States and school districts participating in migrant education programs, and
>
> --inform all school districts of the Federal assistance-for-migrants programs and encourage schools with many migrant children to participate. (p. 29)

In the agency response, HEW did not challenge the recommendations and indicated that consideration was being given to action that could be taken to implement portions of the recommendations.

In January 1974, Exotech Systems, Inc.,[5/] completed a national evaluation of Migrant education programs funded through ESEA Title I.

[4/] Impact of Federal Programs to Improve the Living Conditions of Migrant and other Seasonal Farmworkers, General Accounting Office, B177486, February 6, 1973.

[5/] Evaluation of the Impact of ESEA Title I Programs for Migrant Children of Migrant Agricultural Workers, Exotech Systems, Inc., January 25, 1974. Prepared for the Office of Planning, Budgeting and Evaluation, Office of Education.

The basis for the sample selection was that the 10 States in the study as a group received more than 70 percent of the funds allocated for Migrant education programs in FY 1972 and reportedly provided good coverage of the movement of the Migrant children during the year. A random sample of 72 districts was selected from the school districts with projects in the sample States. Visits were to be made to three project schools in each district, but the total number of schools visited was 162 because some districts did not have three project schools. The study indicates that the findings may not be truly representative of the program through the Nation, but they do represent the best information available at that time. Among the principal findings of the study were the following:

1. Migrant pupils fell behind their non-Migrant peers in grade level and in level of academic achievement. The average Migrant students were reported to be from 6 months to 18 months behind what would be expected for their particular age group.

2. Many Migrant children drop out of school before the ninth grade -- 60 percent for the Migrant versus 5 percent for the non-Migrant.

3. Parental attitudes toward the Migrant education program were positive.

4. Less than one-half of the schools had attempted to gear the curriculum to the specific interests of the Migrant children.

5. Responses from Migrant parents indicated that 83 percent of the children did not attend more than two schools during 1972-73. (The researchers evidently assumed that the number of schools would have been higher, for they offered the following explanation -- that the parent may have been interviewed in an early part of the Migrant season, and the child would attend other schools during the remainder of the season; that the child may not have traveled with the family during the entire season; or that the child may have attended school in only one of the districts rather than in each district visited by the family.)

6. Interstate coordination and planning were insufficient to provide the quality of information needed to assess the instructional needs of the Migrant student.

7. Even though most project directors and principals indicated that the MSRTS was useful to school and staff, 44 percent of the teachers interviewed indicated that they did not use information from the system.

Among the areas included in the recommendations of the Exotech study were the following:

1. Curricular or educational program recommendations
   a. More programs for secondary aged youth
   b. Increased attention to remedial instruction in the primary grades

    c. Summer programs specifically designed for Migrant children
    d. More funding of early childhood projects

2. Evaluation recommendations
    a. Development and implementation of testing programs designed for Migrant children
    b. Adoption and installation of uniform evaluation procedures for the evaluation of State program and local projects

3. Program management recommendations
    a. Establishment of uniform procedures and guidelines for determining the eligibility of Migrant children
    b. SEA assumption of responsibility for assuring that LEAs provide maximum available information to the MSRTS
    c. Increased attention to intrastate and interstate cooperation and coordination
    d. More program leadership from USOE.

The report included several other recommendations for action to improve the program; the principal criterion for the selection of the above was that they be comprehensive rather than relate to a specific segment of the program. Of the various recommendations, considerable progress has been made in the area of interstate cooperation and coordination. A teacher exchange program has resulted in teachers moving with the Migrant stream and providing some support for the schools receiving the children. Through the cooperative efforts of the State directors and the Migrant branch staff in USOE, various improvements have been made in the operation of MSRTS and steps are being taken to initiate a performance based testing program that has been designed to provide information about the competency level of the Migrant students in reading and mathematics. (Perhaps the most interesting facet of these various activities has been the active leadership role of the State directors and the support role assumed by the Migrant branch staff.)

At the request of Congressman Quie, GAO audited the MSRTS "to determine its accuracy, its efficiency, the degree of participation, and other relevant information."[6/] The report concluded that the MSRTS provided a more reliable source of estimates of the number of children upon which to base program allocations than the estimate based upon the Department of Labor data; however, the report cautioned that a validation study had not been conducted. GAO further commented about the inclusion of estimates of the number of formerly migratory children and the number of migratory children of fishermen; the report contended that these children should have been included in the estimates for allocation purposes for FY 1975 so that the legislative intent would have been fulfilled.[7/]

6/ Evaluation of the Migrant Student Record Transfer System, General Accounting Office, B-164031(1), September 16, 1975.

7/ Considerable comment on this latter issue was contained in the Oversight Hearings on Migrant Education Programs conducted by the Subcommittee on Agricultural Labor in the 94th Congress on November 1 and December 5, 1975.

Of the private studies of the Migrant education program that have been conducted, one of the most comprehensive was under the auspices of the National Lawyers' Committee for Civil Rights Under Law.[8/] The study addressed all facets of the Migrant education program operating under funds through ESEA Title I. After reviewing materials from various sources within USOE, the staff of the study identified three general problem areas:

1. Failure to identify and serve eligible children.
2. Failure to design adequate educational programs oriented toward the cultural and linguistic conditions of migrant children.
3. Inadequate fiscal controls and program monitoring by the Office of Education.

The report noted that the problems may be more serious than noted in the report because of the "official" nature of the sources from which the data were secured. The report noted two findings of the audit reports -- (1) supplanting of funds by providing services to non-Migrant children with Migrant funds or (2) using Migrant funds to provide services to Migrant children that previously were provided with State and local funds. The report also emphasized the lack of adequate attention to program evaluation.

In reviewing all of the audits of State Title I Migrant programs, the Lawyers' Committee staff found that the Office of Education had

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[8/] Masurofsky, Mark. The Title I Migrant Program: Passivity Perpetuates a Non-System of Education for Migrant Children, Inequality in Education, June 1976, p. 11-24.

sought reimbursement on less than 10 percent of the $5 million noted as improper expenditures by the DHEW auditors and that less than one percent had been recovered.[9]

Other concerns noted in the report included the delay in issuance of comprehensive guidelines and regulations for the program and the number of professional staff members assigned to the program in USOE.. The report indicates a:

> ...reluctance to assign great significance to the number of staff working full-time on Migrant education. However, in a structure as large as HEW it provides some measure of organizational priorities. 10/

The Division of Planning, Budgeting, and Evaluation in the USOE is currently negotiating the second phase of the previously mentioned contract with the Research Triangle Institute (RIT) that is to provide an evaluation of the Migrant education program funded under ESEA Title I. The first phase, design of the study, was completed in July/August, 1977, and the second phase should begin in the near future. Final details have not been resolved, but the initial discussion has suggested that the final report will address concerns such as the following:

1. Descriptions of a nationally representative sample of projects.
2. Descriptions of a nationally representative sample of Migrant children.

9/ Ibid, p. 21-2.

3. Assessment of attitudes, achievement, and English language proficiency of the program participants.
4. MSRTS validation study.

At the time of the interviews with the USOE staff member responsible for this contract, the exact details of the second phase were still under discussion with negotiations to come later; therefore, the listing of potential components of the final report must be considered tentative.

Various issues related to the Migrant education program have also been addressed in a study[11/] for the Interstate Migrant Education Project of the Education Commission of the States. The title of the Lewis study was "USOE Title I Migrant Regulations," but the study extends beyond the content of the regulations and also addresses proposed legislation and the operation of the existing program. Relative to the discussion of legislation, the study reports that the legislative issues are:

1. The duplication of effort.
2. Lack of program coordination.
3. Lack of any means of communicating between States and agencies within States.

10/ Ibid, p. 22.

11/ USOE Title I Regulations, Preliminary Issue Paper, May 1, 1977, D. A. Lewis Associates, Inc., (A Study for the Migrant Education Project of the Education Commission of the States), 93 p.

4. Lack of clear direction for the full range of possible students, i.e., early childhood, public school age, and postsecondary.[12/]

The issue of duplication of effort evidently refers to the duplication of Federal funds for the same children through different programs. Concerns about program coordination, communications, and target groups have been expressed by various other studies and analyses of the program.

In a comprehensive review of the program, several issues are discussed, but three merit mention because they relate to program evaluations and USOE management of the program.

1. Many States do not submit source documents in a timely fashion.
2. Many States do not submit copies of LEA projects as required by the regulations.
3. Reporting requirements are not enforced on SEAs.[13/]

One of the continuing problems with external reviews of the Migrant education program has been the identification and recruitment of eligible children for the program; in a discussion of this issue, the Lewis study indicates that:

> Some of the problems relating to the service of eligible and ineligible children have arisen due to the failure of the Office of Education to issue uniform procedures of identifying program participants. 14/

12/ *Ibid*, p. 11.
13/ *Ibid*, p. 22.
14/ *Ibid*, p. 30.

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Efforts are being made to correct this deficiency in the regulations that are currently under review.

Funding for the program and the roles of the USOE and SEA are among the elements in the Migrant education program that are difficult to understand within the context of Title I of ESEA. The following two paragraphs from the Lewis Study may help place the program in perspective and assist in understanding some of the operational problems involved in administering the program within USOE.

> The administrative responsibilities of the regular Title I and the Title I Migrant program are significantly different. In disseminating regular Title I program dollars, USOE funds a State education agency who, in turn, funds local Education Agencies.
>
> The State Education Agency is responsible for approving the LEA grant program. Title I Migrant funds are also funneled from USOE through the State Education Agency and to the Local Education Agency. The principal difference between these two funding mechanisms is that the Migrant Program Branch of USOE is responsible for approving the Local Education Agency's program plan as part of the overall State package for a particular State Education Agency. This means that the Migrant Program Branch of USOE is functioning at the same level as a State Education Agency. 15/

Various other issues and concerns about the Migrant programs in the States are also addressed in the Lewis study, and the following specific recommendations have been made:

> That USOE develop an evaluation instrument that must be used by all SEAs and have a definitive and enforceable reporting requirement....
>
> That USOE establish a leadership role in the area of interstate program coordination....

15/ *Ibid*, p. 33-4.

> That the proposed interim regulations include a requirement that each sending State provide each receiving State with a copy of its annual needs assessment as a part of interstate coordination. 16/

The first two recommendations are related to issues discussed in several other sections of this paper, and the third would impose the requirement that States have an annual needs assessment. Adoption and enforcement of an evaluation requirement and the need for greater leadership from USOE seem to be recurring themes in the information and observations found in other sections of this report.

Pupil identification, adequacy of program, program management, and interstate coordination appear to have been common concerns of the various external evaluations of the Migrant program. These themes appeared in the State evaluations for FY 1975, FY 1976, and FY 1977 and were also identified in the various national evaluations. The same issues also have been continuing areas of concern in the Migrant program reviews as noted in that section of this report.

Migrant Branch Staff

In interviews various persons indicated concern about whether or not the Migrant education branch staff is of sufficient number to provide the leadership, monitoring, and supervision needed for the program. In this study sufficient information was not obtained to confirm or deny

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16/ *Ibid*, p. 40-1.

this contention. Rosters listing current staffing and support personnel assigned to the Migrant branch are in the appendix of this report.

Migrant Student Record Transfer System (MSRTS)

Public Law 93-380 provided that the Commissioner of Education shall use statistics made available by MSRTS, or such other system as most accurately reflects the actual number of migrant students for the purposes of the migratory children program. The original amendments which established the migratory program (under Public Law 89-750) required that payments be used by States for, among other activities, the coordination with other States in the "transmittal of pertinent information with respect to school records of" migratory children. That provision has continued to be a part of the law. Funds were first set aside for this system from the ESEA Title I migratory program in FY 1969. The system was first used for purposes of calculating each State's entitlement in FY 1975.

Continuing leadership for the MSRTS has been provided by the State directors of the Migrant programs, and the contract for the center was awarded to the Arkansas SEA on a competitive proposal basis. Originated in 1968, the system became fully operational in 1972. Since the enactment of the 1974 Amendments to ESEA, data from the MSRTS have been used in the allocation of funds to the States. As a somewhat unique system in education, the MSRTS provides a national data bank for all Migrant pupils who are entered into the system.

Through a telecommunication network, terminals scattered throughout the nation provide input information to Little Rock and these data are then available to the school or project in which the Migrant pupil enrolls. Major efforts have been devoted to providing basic personal data and health information about each pupil, but the system has the potential of also receiving, storing, and dispensing academic information. As stated in the September 1975, GAO report, the system essentially works as follows:

1. The State or local education agency recruits and enrolls a child in a local migrant education program.
2. Key personal data on the child and academic and health data, if available, are transmitted to a terminal operator by telephone or mail.
3. The terminal operator transforms the information into a punched paper tape and transmits it to the national data bank in Little Rock via a teletype terminal.
4. If data on the child are already recorded in the system, his record is extracted from the data base and forwarded by mail to the school.
5. If it is determined that the child is being enrolled for the first time, he is assigned a permanent student number and the information is stored in the computer data base.

6. When the child moves on, the local education agency updates his academic and health data and he is withdrawn from the local program.

7. The updated information is transmitted to Little Rock via the terminal operator.

8. When the child enrolls in a different school, the cycle is repeated.

Funding for the MSRTS comes from the allocations for program to each of the States. A State's share of the MSRTS cost is prorated according to the percent that its pupils, for purposes of allocation, are of the national number of pupils used for allocation purposes. The annual funding for operation of the MSRTS is shown in Table 12.

TABLE 12 — FUNDS ALLOCATED TO THE MIGRANT STUDENT RECORD TRANSFER SYSTEM FROM FY 1969 THROUGH FY 1978

Fiscal Year	Amount	Fiscal Year	Amount
1969	$ 550,000	1974	$1,900,000
1970	650,000	1975	1,900,000
1971	3,100,000	1976	1,700,000
1972	1,900,000	1977	2,300,000
1973	725,000	1978	2,100,000

USOE Migrant branch staff members indicated that the reasons for the variations in the level of annual funding shown above were based on changes in fiscal requirements resulting from the annual needs assessments survey of the State directors. The increase for FY 1971 was attributable to a decision to purchase terminals so that the input sites for requests and pupil data would be closer to the operational projects, for FY 1974 resulted from decisions to update the central computer hardware and to begin development of criterion referenced math and reading assessment tools, and in FY 1977 was related to the purchase of additional computer hardware and to the programming of the computer to process the information gathered through the criterion referenced math and reading tests.

During the years that the MSRTS has been in operation, the funding has increased from $550,000 in FY 1969 to $2,100,000 in FY 1978. During the six years that MSRTS has been operational, the costs have been somewhat stable -- varying from $1,900,000 in FY 1974 and 1975 to $2,300,000 in FY 1977 and then declining to $2,100,000 in FY 1978. Of the total allocations for Migrant education, the share spent for the MSRTS was 1.2 percent in 1969, 2.4 percent in 1974 (the first year of full operation), and 1.4 percent in FY 1978.

The MSRTS director was requested to forward information concerning the number of student records in the MSRTS data base and the level of activity in the system. Detailed statistics are contained in Table 13. The number of students in the data base has increased each year since the introduction of the system; this is to be expected for these files comprise unduplicated records of students for the six years in which the program has been operating. The number of medical

TABLE 13 — STATISTICAL INFORMATION ON THE NUMBER OF STUDENTS AND THE NUMBER OF TRANSACTIONS IN THE MIGRANT STUDENT RECORD TRANSFER SYSTEM

Name of Statistics	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
Highest Student Number on Data Base	311,371	413,813	511,813	630,263	794,525	931,478
	Mig yr 72	Mig yr 73	Mig yr 74	Mig yr 75	Mig yr 76	Mig yr 77
Total Students Terminated			*	*	6,141	4,233**
Total Number of Medical Record Printed			307,433	823,996	976,789	932,889**
Total Number of Transfer Record Printed	778,277	698,066	600,218	1,075,257	1,063,138	1,020,888**
Total Number of Transaction				1,286,388	1,303,380	1,323,384**
Total Active Students	311,371	413,813	*	*	376,900	302,017***
Total Students on Data Base	311,371	413,813	*	*	380,013	309,313***
	Cal yr 72	Cal yr 73	Cal yr 74	Cal yr 75	Cal yr 76	Cal yr 77
F.T.E.	168,184.70	212,472.36	207,474.24	267,790.85	296,428.04	

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*Rewriting programs, do not have statistics.
**Represents 11 months.
***As of August 15, 1977.

Source: Migrant Student Record Transfer System through USOE Migrant branch.

records appears to be increasing during each year that these records have been available to the projects. This pattern was not shown in the number of transfer records that had been printed each year. The number actually declined between FY 1972 and FY 1974; then there was an increase in FY 1975 with a small decline in FY 1976 followed by what would appear to be a modest increase in FY 1977. Of additional interest may be the number of active students in the system during the four years for which data were provided. The number of active students in FY 1976 was 90 percent of the number in FY 1973, but the number of active students for FY 1977 was over 33 percent higher than the FY 1976 number even though the year had not been completed. The same relative relationship existed between the number of student records in the data base for the two consecutive years.

The following quotation from the August 1974, evaluation report submitted by the State of Arizona still reflects many of the problems that appear to be associated with the MSRTS:

> The results of on-site research indicates that the MSRTS is effective as used in some school programs within Arizona. Three problem areas were identified in the research effort:
>
> o Timeliness -- Much of the negative attitude towards the system had to do with delays in obtaining useful data from the computer. Some fault for delays must be directed at school personnel and terminal operators, while some delays must be placed on the computer system.
>
> o Completeness -- Many of the data users within school districts felt that no valuable information was being received on out-of-State school enrollments. It is unfortunate that one State must suffer because another is not as conscientious in submitting enrollment information.

o Usefulness.-- The successful use of the MSRTS depends in a large part on the attitude of school personnel toward the sytem. In the case of school districts which were characterized by a negative attitude toward the system, the full potential for use of the data was not being reached. In such systems, for example, the MSRTS data were not used for planning purposes.

Various concerns have been expressed in evaluations and other reports about the operation of the MSRTS, but the following items appear to be the principal ones that relate to the operation of the MSRTS and to the problems associated with the use of the system as the data base for the allocation of funds for Migrant education programs.

1. The entry of data into and the use of the MSRTS by local projects has been voluntary rather than mandatory. (The proposed regulations do indicate that the U.S. Commissioner of Education is to determine that the SEA plan includes "appropriate procedures...for the agency's full participation in and full utilization of the migrant student record system...."[17/]

2. Once a child is enrolled in the system from a State, the child remains enrolled and continues to accrue funding credit until another school, or State, enrolls the child. A child remains on the roster in the system for a complete year even though the child may have been in the school district for a very short time.

[17/] Special Educational Needs of Migratory Children....Federal Register, July 13, 1977, p. 36084.

3. A child is eligible for entry into the MSRTS and for counting as an FTE when he moves into an area served by a Migrant education project and need not ever be a participant in a Migrant education project.

4. The enrolling State retains the child until the child enters another "project school;" consequently, if the child attends a non-project school in the home or base State, the school district in the temporary residence State retains enrollment credit for the child and accrues credit for the full calendar year following the date on which the child was enrolled.

5. The MSRTS system is under the control of the Arkansas SEA on a contract basis with the USOE; however, the terminal operators are employed by the SEA's in the States in which the terminals are located. This has the potential of causing administrative problems in the operation of the system, for the accuracy and adequacy of the information is dependent upon the quality of the input and the accuracy of the person at the terminal as well as the teacher providing the terminal operator with information. (The MSRTS administrators provide inservice training programs for terminal operators, but the full service potential of the system information beyond enrollment and health data has not been fully recognized.)

6. The evaluation reports suggested that teachers and local project directors have not recognized that maximum benefit from MSRTS will only be attained when all teacher and project directors make every effort to assure that the information is current and constantly updated.

7. Even though the MSRTS is in essence a "national" venture, local project personnel may view themselves as involved in a "local" program or, at the most, a State program financed with Federal funds. (The question of the Migrant program being a local, State, or Federal program may have some relationship to the attitude and motivation that local project personnel will have relative to providing information for the MSRTS. This issue is further complicated by the "hold harmless" funding that is provided by statute. Unless the teachers can view the MSRTS as a tool that will help them in their efforts to provide a sound educational opportunity for the Migrant children, the system will not attain its full potential.)

8. The counting problem and the inequities of the "hold harmless" are illustrated in a report about the program from one State in which an error was made in the count during one year. The error was not corrected until the following year, but the State continues to receive funds under the "hold harmless" clause based on the incorrect high count of the first year.

Among the problems associated with attainment of maximum benefit from the MSRTS are (1) the inconsistent use of the system on the part of teachers and administrators in the local Migrant education project, (2) the lack of consistent academic progress evaluative tools among the various local projects, and (3) a lack of understanding of the potential of the system as an aid to the teacher in providing appropriate individualized educational experiences for the Migrant pupil.

Review of the Audits of ESEA Title I Migrant Programs

Audits of State Programs

The Division of Education for the Disadvantaged staff provided 20 audit reports for examination and review. These audits of the Title I supported State Migrant programs conducted by the audit division of the Department of Health, Education and Welfare (DHEW) were for the years 1967 through 1975. The 15 reports completed before FY 1973 primarily focused on management and program development. Five reports (three of which were follow-up audits) were completed during fiscal years 1973 through 1976 and reviewed current program operations.

The first set of audits reviewed program operations in the following States: Arkansas, Arizona, California, Connecticut, Delaware, Florida, Michigan, New Jersey, New Mexico, New York, Ohio, Oregon, Texas, Virginia, and Washington. Common program weaknesses included: (1) supplanting State and local funds with Title I Migrant funds; i.e., some school districts included non-migrant children in classes supported entirely with Title I funds, while other districts diverted

Title I funds for educational purposes other than providing services for Migrant children; and (2) slow start-up of the MSRTS identification system.

The second set of audits reviewed program operations in Delaware, Indiana, and Maryland. The Delaware audit completed in 1974 reported that Delaware's Title I Migrant program provided a variety of health, nutrition, and communication services that might otherwise not have been available to the Migrant children, but that Delaware's program needed better planning, quantifiable program objectives, increased emphasis on basic skills, and better coordination with the MSRTS system. The Indiana audit was completed in 1976. During the audit period Indiana reportedly had used program funds to supplant State and local funds, had non-quantifiable program objectives, and was using questionable accounting practices.

The Title I funded Migrant programs of Arizona and Virginia were audited twice. The Arizona program audit for 1971 reported that funds had been used to supplant State and local funds and that project goals were broad and non-quantifiable. The follow-up program audit completed in 1976 reported a similar program deficiency. The Virginia audit for 1971 reported that the program did not have a quantifiable focus and that the performance of programs sponsored by LEAs did not meet program objectives (no objectives were provided). The follow-up audit reported a similar program deficiency.

The principal concerns identified from the audit reports were as follows:

1. Administration costs for the Migrant education program had been paid from Migrant program funds.

2. The data bank from the MSRTS did not provide current information on the pupils. The information had not been updated each time that a pupil enrolled. Also, the data bank was evidently not updated each time that a child left the area or completed the local program.

3. Funds intended for the education of Migrant children had been diverted to other purposes. In some instances teacher aides reportedly had been used to assist with the instruction of all pupils even though they were being paid from Migrant program funds.

4. Several audit reports questioned the eligibility of some of the pupils participating in the program. The contention was that the criteria for admission to the program had not been strictly applied. (Reportedly, an ineligible pupil could be entered into the MSRTS, and the State would receive credit for the pupil for the full year since the child would not be migrating.)

5. Insufficient emphasis was being placed on the development of basic educational skills.

Additional areas of concern were (1) the lack of a comprehensive audit schedule for the Title I Migrant program and (2) the lack of understanding that the auditors have of the operational details of the Title I Migrant program in the States as contrasted to the regular Title I program. During fiscal years 1971 through 1976, 20 audit reports were completed, 15 of these were completed before FY 1973. A chronological list of the audits conducted between 1970 and 1976 is contained in Table 14.

Audits of USOE Migrant Branch

The DHEW audit agency audited the Migrant education branch of the USOE Compensatory education division in 1972 and 1974. In addition, there was a follow-up audit of the 1972 audit in 1974. The concerns expressed in the audit reports of the USOE Migrant branch address some of the same issues that were identified in the DHEW audits of the program in the individual States and also in the Migrant program reviews conducted by the USOE Migrant branch staff. For example, the July 1972 audit report[18/] requested that the USOE Migrant branch take the following action:

- --Strengthen procedures for identifying program participants and maintaining current records of migrant children. Better definitions and guidelines were needed.
- --Review State project applications more extensively to assure sound planning and rejection of poor projects.
- --Improve coordination between migrant activities and related programs.
- --Strengthen controls and monitoring procedures in project administration, financial management, and contracting to assure that problems are promptly identified and remedied.

[18/] DHEW ACN 13-33700 (July 21, 1972).

TABLE 14 -- CHRONOLOGICAL LIST OF THE ENDING FISCAL YEAR OF AUDITS OF THE ESEA TITLE I STATE OPERATED MIGRANT PROGRAMS

Completion Date	States
1970	Arizona Arkansas California Connecticut Michigan New Jersey Texas Washington
1971	New Mexico New York North Carolina Ohio Oregon Virginia
1972	Florida
1974	Arizona Delaware Maryland Virginia
1975	Indiana

SOURCE: List of completed audits in the files of the USOE Division of Education for the Disadvantaged.

--Provide for meaningful evaluation of program activities at all levels to gauge current successes and plan for future projects.

As a follow-up of the 1972 audit, a subsequent audit was conducted in 1974. The following material has been excerpted from a letter from the DHEW Audit Agency to the then Commissioner Bell on December 27, 1974.[19/]

> Since 1972, OE took corrective action on 14 of 23 prior audit recommendations. While improvements were noted in its program reviews and technical assistance services, OE continued to be weak in identifying program participants, reviewing State project applications, monitoring financial management activities, and providing for meaningful evaluations of program activities.
>
> This report contains recommendations for OE to:
>
> --Correct the remaining weaknesses cited in our prior report.
>
> --Incorporate a system of checks and reviews over Migrant Student Record Transfer System data, giving due consideration to privacy of data issues.
>
> --Develop standard eligibility determination procedures and formats and assure enforcement of the procedures.
>
> --Develop an integrated information system which will better meet the needs of program managers.
>
> --Require systematic program analysis to improve the program staff's ability to plan, monitor, and evaluate program activities.

These comments from the auditors may have provided some impetus for the revisions in the Migrant Program Reviews in the spring of 1975.

[19/] DHEW ACN 13-5003 (December 27, 1974).

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CONGRESSIONAL RESEARCH SERVICE

APPROPRIATIONS FOR TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, FOR SCHOOL YEARS 1965-66 THROUGH 1976-77 EXPRESSED IN TERMS OF BOTH CURRENT AND CONSTANT DOLLARS

			Title I, Total		Part A, LEA Grants Only	
School Year[1]	Deflation Ratio[2]	Appropriation Year[3]	Appropriation, Current Dollars	Appropriation, Constant Dollars[4]	Appropriation, Current Dollars	Appropriation, Constant Dollars[4]
1965-66	1.00	FY 1966	$ 987,396,171[5]	$ 987,396,171[5]	$ 969,934,724[5]	$ 969,934,724[5]
1966-67	0.968790	FY 1967	1,053,470,000	1,020,391,281	1,015,132,657	983,469,763
1967-68	0.933044	FY 1968	1,191,000,000	1,113,637,404	1,100,287,599	1,028,817,318
1968-69	0.892874	FY 1969	1,123,127,000	1,002,810,897	1,020,438,980	911,123,434
1969-70	0.846102	FY 1970	1,339,051,000	1,132,973,729	1,219,165,328	1,001,538,392
1970-71	0.804844	FY 1971	1,500,000,000	1,207,266,000	1,339,660,962	1,078,218,087
1971-72	0.769638	FY 1972	1,597,500,000	1,229,209,155	1,406,615,985	1,082,331,923
1972-73	0.736621	FY 1973	1,810,000,000	1,333,284,010	1,535,337,143	1,131,108,907
1973-74	0.683263	FY 1974	1,719,500,000	1,174,836,339	1,466,152,668	988,073,687
1974-75	0.618380	FY 1975	1,876,000,000	1,160,080,880	1,587,168,967	981,473,346
1975-76	0.577344	FY 1976	1,900,000,000	1,096,953,600	1,625,412,679	938,422,258
1976-77	0.553371[6]	TQ[7]	2,050,000,000	1,134,410,390	1,721,130,372	932,423,635

---

[1] Indicates the school year during which the appropriation was allocated to the States, and through the States to LEA's.

[2] Calculated on the basis of the Implicit GNP Deflator index value (average) for the four calendar quarters of the indicated school year (July 1-June 30). The "deflation ratio" is equal to the index value for the base school year 1965-66 (July 1, 1965-June 30, 1966) of 75.43 (calendar year 1972 = 100.00) divided by the index value for the indicated school year. (For example, for school year 1966-67, the deflation ratio is equal to 75.43 ÷ 77.86 = 0.968790.) Source for Implicit GNP Deflator values: U.S. Department of Commerce, "Survey of Current Business," January 1976, Part II, p. 90-91; January 1976, Part I, p. 45; and April 1977, p. 3.

[3] The year of the appropriation act(s) in which the funds were provided.

[4] Calculated by multiplying the current dollar appropriation by the deflation ratio for that year.

[5] Based on actual obligations for FY 1966.

[6] The deflation ratio for this year is based upon the index value for the first three calendar quarters only.

[7] TQ: Transition Quarter (July 1-September 30, 1976), advance appropriation for obligation during the TQ and FY 1977.

Wayne Riddle
Education and Public Welfare Division
September 7, 1977

Full-Time Equivalency Data from the Migrant Student Record Transfer System to be used for Computing ESEA, Title I Migrant Allocations for Fiscal Year 1976

STATISTICAL TABULATION
(FORMERLY STATISTICAL WORK SHEET)

Migrant Student Record Transfer System

Due Date 04/26/75

01/01/74 to 12/31/74 L. M. Sock

04/26/75

	TOTALS ⇨	FY 76 FTE	Agricultural No Status	Agricultural Interstate	Agricultural Intrastate	Agricultural 5 Year	Fishermen Interstate	Fishermen Intrastate	Fishermen 5 Year	FY 75 FTE
10	ALABAMA	1132.33	270.63	330.63	306.17	79.70	23.33	0	.98	1,612
11	ALASKA									
12	ARIZONA	3619.82	317.65	1093.00	1318.16	1097.01	0	0	0	6,372
13	ARKANSAS	4240.65	332.61	1058.35	1263.39	1085.60	0	0	0	4,716
14	CALIFORNIA	42462.33	3066.72	13812.43	12609.45	10576.41	0	.31	0	43,173
15	COLORADO	3781.39	1050.92	938.31	357.79	326.36	0	0	0	3,436
16	CONNECTICUT	1378.13	127.18	243.00	339.16	668.78	0	0	0	1,698
17	DELAWARE	387.21	322.18	50.72	3.81	8.33	0	0	0	333
18	DISTRICT OF COLUMBIA									
19	FLORIDA	32106.50	2549.05	13695.72	1807.26	12983.16	43.71	32.48	3.09	29,621
20	GEORGIA	3060.99	38.93	219.72	696.67	1091.15	0	0	0	1,218
21	HAWAII									
22	IDAHO	4599.03	830.33	1532.23	661.67	1954.16	.33	0	.33	5,110
23	ILLINOIS	1196.10	668.37	393.85	73.96	60.13	0	0	0	1,202
24	INDIANA	1243.58	293.76	821.61	30.80	95.72	0	0	0	1,770
25	IOWA	160.35	21.61	71.43	16.67	50.86	0	0	0	197
26	KANSAS	1097.78	387.90	232.27	87.46	150.15	0	0	0	1,419
27	KENTUCKY	313.49	149.60	72.88	46.03	48.18	0	0	0	348
28	LOUISIANA	944.23	300.05	100.31	139.93	348.27	0	80.16	0	764
29	MAINE	810.92	9.81	138.33	619.00	3.11	28.17	1.33	0	741
30	MARYLAND	370.08	163.78	203.24	0	3.07	0	1.00	0	692
31	MASSACHUSETTS	2524.66	673.39	977.63	322.30	550.18	.97	0	0	1,612
32	MICHIGAN	7538.92	1621.07	3640.76	846.37	1430.46	0	.15	0	9,739
33	MINNESOTA	1013.92	159.30	833.24	16.70	4.49	0	0	0	930
34	MISSISSIPPI	3289.19	102.42	203.17	737.20	1821.70	69.93	26.13	262.86	3,350
35	MISSOURI	2020.61	255.29	373.87	308.67	882.00	0	0	0	1,034
36	MONTANA	542.29	110.61	425.83	4.29	3.28	0	0	0	602
37	NEBRASKA	422.66	120.81	280.90	10.89	9.73	0	0	0	620
38	NEVADA	81.78	31.18	21.18	9.81	30.63	0	0	0	102
39	NEW HAMPSHIRE									
40	NEW JERSEY	2478.23	1228.56	315.60	311.46	618.37	.63	1.48	2.31	3,600
41	NEW MEXICO	3068.61	888.50	1166.85	919.62	893.25	0	.36	0	2,278
42	NEW YORK	2936.82	328.36	1160.95	293.46	1149.03	0	0	0	3,262
43	NORTH CAROLINA	5097.33	369.73	1371.46	2188.32	1167.81	0	0	0	3,378
44	NORTH DAKOTA	637.61	97.61	526.66	3.43	2.59	0	.43	0	900
45	OHIO	2342.29	60.62	2197.19	30.38	354.35	0	0	0	3,091
46	OKLAHOMA	1311.12	223.61	631.32	349.60	306.48	0	0	0	1,339
47	OREGON	3930.31	281.50	1854.33	1273.13	658.33	0	0	0	4,110
48	PENNSYLVANIA	661.98	185.31	452.69	1.69	2.40	0	0	0	369
49	RHODE ISLAND									
50	SOUTH CAROLINA	669.22	154.43	367.46	163.45	4.18	0	0	0	937
51	SOUTH DAKOTA	22.40	8.90	7.52	0	4.98	0	0	0	37
52	TENNESSEE	370.19	161.37	136.32	25.91	46.66	0	0	0	394
53	TEXAS	50138.25	6515.69	27230.67	10066.92	3207.67	1.60	.92	0	31,610
54	UTAH	229.62	238.82	31.22	3.53	3.35	0	0	0	396
55	VERMONT	51.53	47.79	0	3.97	1.77	0	0	0	38
56	VIRGINIA	561.00	133.56	315.68	4.30	29.46	0	0	0	527
57	WASHINGTON	7936.79	1855.71	2935.92	1565.68	1313.56	0	7.88	0	8,021
58	WEST VIRGINIA	102.56	50.98	33.57	3.75	26.25	0	0	0	102
59	WISCONSIN	1290.33	671.26	435.43	35.66	106.02	0	0	0	1,685
60	WYOMING	605.57	108.93	219.78	35.39	9.28	0	.99	0	650
61	U S SERVICE SCHOOLS									
62	AMERICAN SAMOA									
63	CANAL ZONE									
64	GUAM TOTAL	207,676.26	28,893.68	84,917.58	47,912.30	45,227.58	150.33	133.26	269.64	212,475
65	PUERTO RICO									
66	TRUST TERRITORY									

CES-65

Full-Time Equivalency Data from the Migrant Student Record Transfer System to be used for Computing ESEA, Title I Migrant Allocations for Fiscal Year 1977

	Agricultural			Fishermen			Grand Total		
	Inter-State	Intra-State	Five Year	Inter-State	Intra-State	Five Year	Current Children	Five Year Children	Total FTE Data to be used for Fiscal Year 1977 Allocations
TOTALS	115,236.79	64,835.64	85,799.83	643.86	394.73	586.67	180,398.98	87,354.90	267,754.85
ALABAMA	464.72	357.52	440.30	30.37	--	6.39	852.61	446.69	1,299
ALASKA	--	--	--	--	--	—	--	--	--
ARIZONA	2,586.74	1,567.71	2,944.81				4,154.45	2,944.81	7,099
ARKANSAS	1,221.39	1,782.05	1,781.81	6.15	2.51	.92	3,005.16	1,782.73	4,788
CALIFORNIA	18,287.87	15,326.50	13,313.11	2.61	2.30		33,622.36	13,313.11	46,935
COLORADO	1,730.65	679.05	1,063.77				2,411.30	1,063.77	3,475
CONNECTICUT	1,067.65	305.30	669.04	.37			1,374.92	669.04	2,044
DELAWARE	200.21	7.30	33.53				207.50	33.53	242
FLORIDA	15,855.97	3,384.86	13,819.16	133.31	37.67	11.30	19,361.39	13,830.32	33,193
GEORGIA	355.82	931.06	1,270.63				1,286.90	1,270.63	2,558
HAWAII									
IDAHO	2,336.71	953.66	2,346.68	.67	.70	.67	3,291.74	2,347.35	5,639
ILLINOIS	904.85	167.92	367.95		.08		1,072.85	367.95	1,441
INDIANA	1,944.94	65.81	270.37				2,010.75	270.37	2,281
IOWA	97.87	12.05	110.97				109.92	110.97	221
KANSAS	688.02	186.07	428.96				874.09	428.96	1,303
KENTUCKY	432.63	866.73	1,369.79				1,299.36	1,369.79	2,669
LOUISIANA	314.17	741.96	641.86	.30	16.83		330.33	647.86	1,296
MAINE	357.93	1,337.98	34.66	16.75	6.79		1,890.93	35.46	1,733
MARYLAND	483.12	26.18	26.43		6.13		515.43	26.43	538
MASSACHUSETTS	1,031.30	300.50	913.47	12.84	3.88	33.02	1,350.32	946.49	2,297
MICHIGAN	5,847.01	1,120.51	1,976.81	.32	2.18	1.79	6,970.02	1,978.60	8,949
MINNESOTA	1,314.64	77.90	34.92		.48		1,393.02	34.92	1,428
MISSISSIPPI	460.03	1,077.46	1,667.02	123.29	66.69	293.26	1,681.86	2,730.08	4,412
MISSOURI	570.11	779.10	1,155.57				1,349.21	1,155.57	2,505
MONTANA	345.17	9.56	9.23				354.73	9.23	364
NEBRASKA	301.05	7.83	9.32				308.88	9.32	318
NEVADA	87.18	21.92	90.36				109.10	90.36	199
NEW HAMPSHIRE	--						--	--	--
NEW JERSEY	1,071.16	376.30	610.16	1.35	3.86	1.37	1,452.67	611.53	2,064
NEW MEXICO	1,610.40	1,027.68	1,213.16		1.02		2,639.10	1,213.16	3,852
NEW YORK	1,582.09	944.11	2,332.92	2.39	.67	.98	2,529.26	2,333.90	4,863
NORTH CAROLINA	1,748.13	2,357.72	2,159.02				4,105.85	2,159.02	6,265
NORTH DAKOTA	655.27	12.09	9.50				667.36	9.50	677
OHIO	2,364.31	30.75	653.50				2,395.06	653.50	3,049
OKLAHOMA	795.68	807.23	306.91				1,602.91	306.91	1,910
OREGON	1,898.74	1,311.08	1,323.00	1.99			3,211.81	1,323.00	4,535
PENNSYLVANIA	785.86	301.42	332.23				1,087.28	332.23	1,420
RHODE ISLAND	--						--	--	--
SOUTH CAROLINA	533.84	126.97	14.36				660.81	14.36	675
SOUTH DAKOTA	31.97	--	6.35				31.97	6.35	38
TENNESSEE	184.09	190.12	113.99		.34		375.15	113.99	489
TEXAS	38,357.00	23,346.70	27,506.17	25.95	40.83	143.87	58,707.94	27,647.76	[illegible]
UTAH	163.88	20.87	138.09				184.75	138.09	323
VERMONT	12.92	18.14	25.73				31.06	25.73	57
VIRGINIA	697.74	6.00	167.57				703.74	167.57	871
WASHINGTON	5,007.18	1,636.60	1,890.16	7.15	16.32		6,644.05	1,890.14	8,534
WEST VIRGINIA	134.28	8.46	77.68				142.74	77.68	220
WISCONSIN	719.86	152.61	663.77				872.47	663.77	1,536
WYOMING	161.85	217.83	26.58				379.68	26.58	406
DISTRICT OF COLUMBIA									
AMERICAN SAMOA									
GUAM									
PUERTO RICO	261.37	55.06	558.68	20.75	6.67	26.70	343.85	585.38	929
TRUST TERRITORY									
VIRGIN ISLANDS									

OE FORM [illegible], 1976

STATOS(U) STATISTICAL WORKSHEET (Nine Columns)

Full-Time Equivalency Data from the Migrant Student Record Transfer System to be used for Computing ESEA, Title I Migrant Allocations for Fiscal Year 1978

	Migratory Farmworkers			Migratory Fishermen			Total			Grand Total
	Interstate	Intrastate	Five Year	Interstate	Intrastate	Five Year	Interstate	Intrastate	Five Year	
Alabama	472	441	338	35	0	26	507	441	364	1,312
Arizona	2,790	1,480	3,230	0	0	0	2,790	1,480	3,230	7,500
Arkansas	1,220	1,773	2,918	7	6	18	1,227	1,779	2,936	5,942
California	22,384	18,042	19,782	57	31	55	22,441	18,073	19,837	60,351
Colorado	1,837	534	1,250	0	0	0	1,837	534	1,250	3,621
Connecticut	568	91	974	1	1	4	569	92	978	1,639
Delaware	222	24	222	0	0	11	222	24	233	479
Florida	15,613	3,008	10,847	126	182	86	15,739	3,190	10,933	29,862
Georgia	505	1,106	1,364	3	0	0	508	1,106	1,364	2,978
Idaho	2,209	908	2,137	2	0	2	2,211	908	2,139	5,278
Illinois	915	229	320	0	0	0	915	229	320	1,464
Indiana	1,799	73	305	0	0	0	1,799	73	305	2,177
Iowa	109	7	119	0	0	0	109	7	119	235
Kansas	712	239	516	0	0	0	712	239	516	1,467
Kentucky	398	810	4,588	0	0		398	810	4,588	5,796
Louisiana	464	519	1,098	245	55	237	709	574	1,335	2,618
Maine	361	2,074	957	63	128	209	424	2,202	1,166	3,792
Maryland	418	21	66	0	3	0	418	24	66	508
Massachusetts	770	106	1,533	51	7	133	821	113	1,666	2,600
Michigan	4,186	1,192	2,050	3	3	1	4,189	1,195	2,051	7,435
Minnesota	1,713	36	141	0	1	0	1,713	37	141	1,891
Mississippi	476	981	2,951	130	95	305	606	1,076	3,256	4,938
Missouri	557	785	1,433	0	0	0	557	785	1,433	2,775
Montana	493	5	20	0	0	0	493	5	20	518
Nebraska	467	56	25	0	0	0	467	56	25	548
Nevada	142	23	293	0	0	0	142	23	293	458
New Jersey	452	421	926	5	13	26	457	434	952	1,843
New Mexico	1,424	1,200	1,330	0	2	0	1,424	1,202	1,330	3,956
New York	1,418	1,122	2,394	0	0	1	1,418	1,122	2,395	4,935
North Carolina	1,773	2,321	3,377	6	21	14	1,779	2,342	3,391	7,512
North Dakota	848	11	11	0	0	0	848	11	11	870
Ohio	2,894	51	193	0	0	0	2,894	51	193	3,138
Oklahoma	862	706	574	0	2	0	862	708	574	2,144
Oregon	1,839	1,416	1,369	0	0	0	1,839	1,416	1,369	4,624
Pennsylvania	693	257	394	0	0	0	693	257	394	1,344
South Carolina	517	125	41	0	0	0	517	125	41	683
South Dakota	26	12	15	0	0	0	26	12	15	53
Tennessee	203	209	144	0	1	0	203	210	144	557
Texas	35,302	27,092	26,586	54	132	142	35,356	27,224	26,728	89,308
Utah	210	43	209	0	0	0	210	43	209	462
Vermont	19	97	43	0	0	0	19	97	43	159
Virginia	541	4	280	0	0	0	541	4	280	825
Washington	5,177	2,130	2,285	49	87	70	5,226	2,217	2,355	9,798
West Virginia	227	3	46	0	0	0	227	3	46	276
Wisconsin	677	262	610	0	0	0	677	262	610	1,549
Wyoming	308	112	16	0	0	0	308	112	16	436
Puerto Rico	1,078	256	2,937	110	14	386	1,188	270	3,323	4,781
	118,284	72,391	102,320	968	782	1,704	119,252	73,173	104,024	296,449

CED-47

MIGRANT BRANCH
DIVISION OF EDUCATION FOR THE DISADVANTAGED
BUREAU OF ELEMENTARY AND SECONDARY EDUCATION
U.S. OFFICE OF EDUCATION

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Dr. Melvin E. Williams	Program Specialist
Miss George Anna Horton	Secretary
Miss Tondelayo C. Bosley	Clerk-Stenographer
Miss Lynn P. Welch	Clerk-Typist
Miss Sharon T. Johnson	Clerk

SOURCE: USOE Migrant Branch

September 1976 (Revised)

REGIONAL PROGRAM SPECIALISTS

REGION		NAME
I	Massachusetts	Mr. Walter Brown
II	New York	Mrs. Barbara Brandon
III	Pennsylvania	Mr. Kenneth Frye
IV	Georgia	Dr. John Robinson
IV	Georgia	Ms. Tennye Elledge
V	Illinois	Dr. Morris Osburn
VI	Texas	Mr. Jerry Brader
VII	Missouri	Mr. John Dupree
VIII	Colorado	Mr. Bruce D. Palmer
IX	California	Ms. Janice Williams
X	Washington	Mr. Curtis Coates

SOURCE: USOE Migrant Branch

NOTE: These personnel are presently in the DHEW Regional Offices and spend a portion of their time with the Migrant program, but data were not provided concerning the portion of time directly attributable to the Migrant education program.

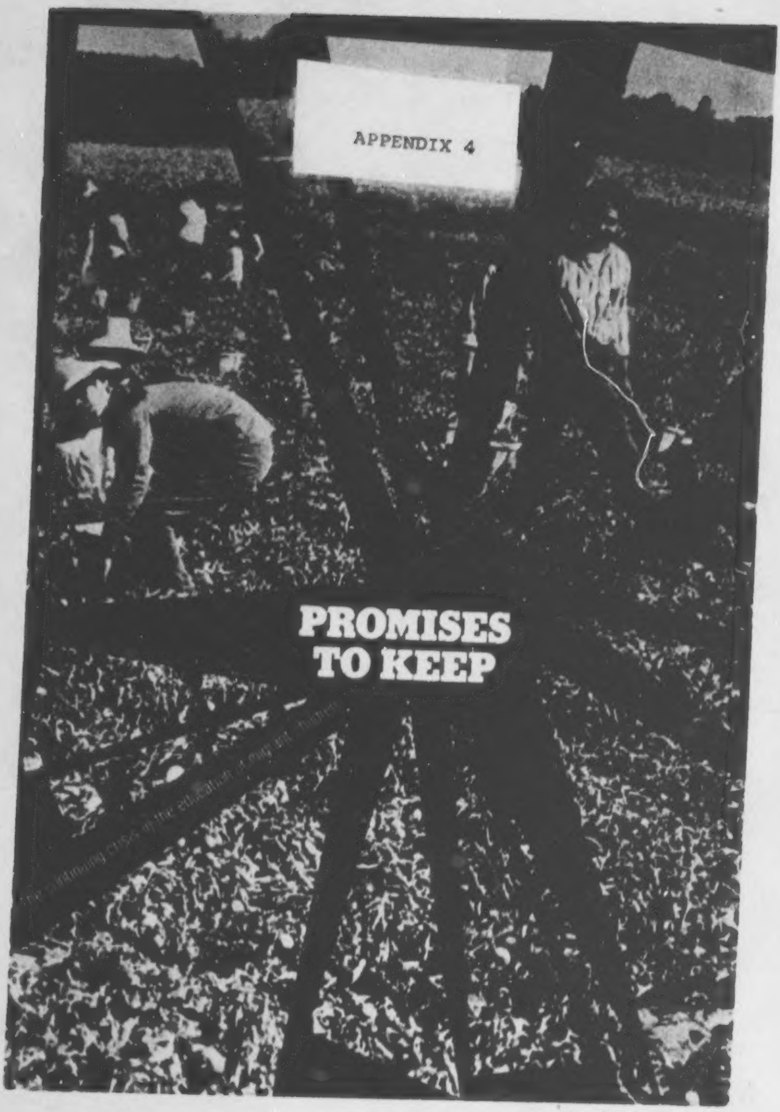
DED Personnel Assigned to Support
Services for Migrant Program*

1. Office of Director				
Director	=	.25		
Barnett	=	.33		
Secretary	=	.15		
			Total	.73
2. Program Services				
Staehle	=	.29		
Secretary	=	.25		
Horner	=	.30		
Secretary	=	.15		
Thomas	=	.33		
Black	=	.23		
Secretary	=	.12		
Hooker	=	.10		
Milbern	=	.10		
			Total	1.87
3. Program Operations				
Dane	=	.10		
Secretary	=	.05		
Spraggins	=	.40		
Clifford	=	.40		
Secretary	=	.40		
			Total	1.35
4. Program Support				
Miller	=	.15		
Secretary	=	.05		
McArthur	=	.10		
Lobosco	=	.10		
Ogura	=	.25		
Ambrosio	=	.30		
James	=	.15		
Secretary	=	.15		
			Total	1.25
			Grand Total	5.20

SOURCE: USOE Division of Education for the Disadvantaged.

*Some of the above positions may be vacant, but Division of Education for the Disadvantaged staff indicated that the positions presently exist.

APPENDIX 4



PROMISES
TO KEEP

The continuing crisis in the education of migrant children

Promises to Keep:

The Continuing Crisis In the Education of Migrant Children

National Child Labor Committee
145 East 32nd Street
New York, New York 10016

National Child Labor Committee

The National Child Labor Committee (NCLC) is a national private, nonprofit organization founded in 1904 and chartered by an Act of Congress in 1907, to fight against the exploitation of children in industry and agriculture and for free public education. In 1959 it organized the National Committee on Employment of Youth (NCLC's Youth Employment Division) when it became clear that an increasing proportion of young people of employment age were experiencing serious problems in making the transition from school to work. This division concentrates exclusively on the difficulties youth face in preparing for, finding and adjusting to employment.

For more than fifteen years, NCLC has been actively involved in the conception and development of innovative programs in youth employment, including the Neighborhood Youth Corps, summer youth employment programs, and the upgrading of paraprofessional workers in Early Childhood Education, Occupational Therapy, and Addiction Services, among others. The agency is a constant advocate for youth in the employment field, testifying before Federal and state legislatures, conducting conferences, instituting studies, issuing reports and publications—including its quarterly, New Generation—and providing consulting and coordinating services to communities and organizations. The agency also has a full program devoted to the education of the children of migrant farmworkers.

NCLC is run by a Board of Trustees, including citizens of all ages from business, labor, education, and the voluntary sector.

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FOREWORD

Agriculture is the last big business in the nation in which children are a substantial part of the work force. These children form the last remnant of what used to be a severe child labor problem in America–a problem that the National Child Labor Committee was formed to combat.

Since 1904, the Committee has been an advocate for children, campaigning to protect young people from work-related abuse and deprivation. In the early days of the Committee, field studies were conducted in almost every state and with almost every crop, pinpointing the dangers to children's safety, health, and education, with particular emphasis on the children of migrant farm workers. Children who work in the fields sacrifice their futures both physically and intellectually: as adults they will not be able to compete in any area except migrant farm work, where the demand for workers is slowly decreasing.

The key is education, but these children have been systematically denied their right to equal educational opportunity. The fact that they were the most educationally deprived children in the nation prompted Congress, in 1966, to amend Title I of the Elementary and Secondary Education Act to include programs and services directed specifically at meeting the special educational needs of children of migrant farm workers.

As with all laws, those relating to migrant education are easier to pass than to enforce: failures and abuses are widespread and largely uncorrected. In far too many instances, both the technical content and the spirit of the law are being ignored or subverted. A lack of responsible leadership is reflected at every level of the Migrant Education Program, where malfeasance is unchecked, good programs receive no reinforcement, poorly run programs are renewed year after year, and children remain unserved.

The National Child Labor Committee has spoken out on this issue before. Our 1969 report, *Wednesday's Children*, the first major study of the Migrant Education Program, exposed widespread failures and led to further inquiries by other responsible groups. But even as reports and audits and investigations reveal the program's inadequacies, the inadequacies continue. The passage of the Migrant Education section of ESEA Title I established a direction that must now be pushed to its logical conclusion–it must become possible for the laws to work. This report is addressed to those directly involved in providing equal educational opportunity to all our children, and to the Congress, which must take responsibility for seeing its own mandate carried out.

We are deeply grateful to the Public Welfare Foundation of Washington, D.C., which provided a large share of the funds necessary for NCLC's research and for publication of this report. Space does not permit recognition of all those who gave their time and suggestions in the planning, investigation, and writing of *Promises to Keep*, but we wish to acknowledge the efforts of Attorney Miriam Daniel Guido, whose field research, investigations, and reporting uncovered many of the problem areas; Killian Jordan and Seymour Lesh of NCLC's staff; Joel Seldin who helped organize our thinking and did yeoman's work on editing a mass of material; Susan Pimentel, who did much of the necessary legal research; Karen Tobin, whose contributions to the paper were invaluable; and Henry Saltzman and Stephen Solis, whose guidance contributed greatly to the planning of this report.

JEFFREY NEWMAN,
Executive Director
National Child Labor Committee

New York, N.Y.
January, 1977

INTRODUCTION

The labor provided by migrant and seasonal farmworkers is one element necessary for a stable agricultural industry in the United States. This labor has been exploited in a manner that has enabled certain sectors in agriculture to enjoy substantial profits. Neither established labor unions nor new labor organizations have succeeded in altering the exploitation of this labor force. From World War I to today this underpaid and under-represented labor force has contributed to American food abundance while the laborers and their dependents have suffered malnutrition, health problems, educational deprivation and poverty. They have been subjected to some of the harshest housing and labor conditions that the United States has ever known.

Employment for migrant workers is, by definition, seasonal and temporary in nature. To make their work as continuous as possible, migrants travel with the growing season, fanning northward in three main strands through the West, the East, and the broad central sweep of the United States. The migration pattern creates hazards that fan out, like the migrant stream itself, enveloping every aspect of the migrant's life.

The most obvious problem for migrant workers and their families is financial: the typical migrant adult currently earns under $3,000 a year.[1] In America, farm workers are almost universally exempted both from minimum wage coverage and from unemployment insurance (Special Unemployment Assistance is temporary in nature, difficult to obtain). The need to travel ceaselessly in search of work effectively prohibits welfare assistance: in order to wait out the normal processing time for welfare applications, a migrant family would have to stop in one place, without money, for weeks, when they could be moving and looking for work.

While the problems of migrant workers in agriculture are extreme and deplorable, the impact on their children guarantees that the problems will persist indefinitely—unless significant changes are made. These children, over 500,000 of them,[2] span ethnic, religious, cultural and racial groups. They include Chicano children in Texas, California and the Midwest; black children in Florida and the Southeast; Puerto Rican children in the Northeast; and white children throughout the nation.

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[1] U.S. Department of Agriculture.

[2] This is a conservative estimate. Many migrant program personnel believe that the actual number of migrant children eligible for services under the Act is close to 1,000,000.

Despite the apparent diversity among migrant children, there are many common links that join them: poverty, inadequate health care, substandard housing, and astonishingly poor educational achievement. While the nonmigrant student has a 96 percent chance of entering the ninth grade and an 80 percent chance of entering the twelfth grade, the migrant student has a 40 percent chance of entering the ninth grade and only an 11 percent chance of entering the twelfth grade.[1]

Most migrant adults as well are poorly educated by American standards, and many do not speak English.[2] They are therefore ready victims of a farm labor system that exploits them mercilessly for as long as they are useful and then forgets them. It is not surprising that most migrant parents have ambitions for their children's futures that include leaving the migrant stream ("settling out"), and obtaining a good education. But the very facts of migrancy and poverty militate against meaningful educational opportunities for migrant children. Poor nutrition and poor health and health care reduce a child's energy, attention span, and motivation; language problems frequently interfere with progress in school; poverty shows in clothing and equipment, making children feel awkward, conspicuously "different"; community prejudices against migrants are often instilled in local children, leading to harassment of the migrant child; migrant children must often miss school to work or care for siblings, and in many cases must change schools and communities once, twice, or more times every year.

What migrant children have encountered in their succession of new schools has, in the past, been devastating enough to lock the vast majority of them into failure. A child's self-concept, according to Harry Stack Sullivan, develops from "reflected appraisals of significant others."[1] For poor and minority children in the school system, the reflections they see are likely to be derogatory, unaccepting, patronizing, generally expressive of powerful (if unconscious) negative appraisals. Studies have found that teachers were less favorably inclined toward deprived children even when their school achievements were good,[2] and that negative self-image is related less to school achievement than to minority status.[3]

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[1] Exotech Systems Inc., *Evaluation of the Impact of ESEA Title I Programs for Migrant Children of Migrant Agricultural Workers* (Falls Church, Va.: Exotech Systems Inc., 1974) Volume I, p. 8. This is one of the few comprehensive studies of the use of migrant education funds in the ten years since they were first made available. Published under contract for the U.S. Office of Education by a private firm, its findings were in some ways more hopeful with regard to migrant education programs than our own. Nevertheless, we have relied heavily upon it for factual information about conditions in migrant programs.

[2] In 1970, the average American head of household had completed twelve grades of school, while the average migrant head of household had completed four grades. *Decision Making Framework: Migrant Education* (Seattle: Consulting Services Corporation, 1971).

Dr. Jose Cardenas has pointed out that "Mexican-American and Black (migrant) children are culturally different children who are deprived because they are poor."[4] But culturally biased institutions, through constant attack, can succeed in damaging the fabric of culture, thus transforming cultural difference into cultural deprivation. To prevent this, the National Child Labor Committee stressed in 1971 that "the school must not only tolerate the child's cultural and individual heritage, it must revel in it."[5]

Psychiatrist Robert Coles has studied migrant children closely and extensively, and has documented a tragic fact of migrant life: that migrancy and poverty, in addition to the physical squalor they often generate, are destructive to the personality. Deterioration begins at an early age. According to Coles:

> At three or four the children are boisterous, eager, impatient to experience the next ride, the next

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[1] A. Harry Passow, Miriam Goldberg, Abraham J. Tannenbaum, *Education of the Disadvantaged* (New York: Holt, Rinehart and Winston, Inc., 1967) p. 386.

[2] Helen H. Davidson and Gerhard Lang, "Children's Perception of Their Teachers' Feelings Toward Them Related to Self-Perception, School Achievement and Behavior," *Journal of Experimental Education*, December, 1960, pp. 107-118.

[3] Martin P. Deutsch, *Minority Group and Class Status as Related to Social and Personality Factors in Scholastic Achievement*. Monograph No. 2. (Ithaca, New York: Society for Applied Anthropology, 1960).

[4] Jose A. Cardenas, *An Education Plan for the Denver Public Schools* (San Antonio, Texas: National Education Task Force *de la Raza*, January 21, 1974) p. 13.

[5] National Child Labor Committee, *Wednesday's Children, A Report on Programs Funded Under the Migrant Amendment to Title I of the Elementary and Secondary Education Act*. (New York: National Child Labor Committee, 1971) p. 55.

> camp. Between five and ten those same children experience an ebb of life, even a loss of life. They move along all right; they pick themselves up again and again, as indeed they were brought up to do, as their parents continue to do. They get where they are going, and to a casual eye they seem active enough, strenuous workers in the field. But a change is taking place. Once wide awake, even enterprising, they slowly become dilatory, leaden, slow, laggard and lumpish.[1]

At around the age of nine or ten the depression these children experience takes the form of "a kind of self-destructiveness that knows no bounds."[2]

Partly because of their mobility, but mostly because of their poverty, migrant children are being systematically denied their right to equal educational opportunity. In the mainstream American culture, parents would probably mobilize to combat this sort of systematic deprivation, forcing responsibility and accountability from their governmental systems. Among migrants, however, their very transiency prohibits mobilization and organization. We live in a society which enfranchises its citizens through their place of residence. Most migrants are truly stateless and cannot receive or exercise the political rights that most other Americans take for granted.

In recognition of this long-standing problem, Congress quite properly accepted the responsibility (in November, 1966) for insuring that migrant children shall receive special compensatory educational services designed to protect their right to equal opportunity. Specifically, the Congress amended Title I of the Elementary and Secondary Education Act of 1965 to include provisions for the establishment of programs designed to meet the special educational needs of children of migratory agricultural workers.

> The children of migratory agricultural workers present a unique problem for educators. Migratory workers travel from community to community in order to work. They often settle in a single commu-

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[1] Robert Coles, Testimony before the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare, *Hearing on the Migratory Subculture,* July 28, 1969 (Washington, D.C.: Government Printing Office, 1969) p. 335.

[2] *Ibid.*

> nity for two months or less. Consequently, their children are seldom in school long enough to participate in school activities; some spend only two to six weeks in any one school district during the harvest season. Well over half of all migrant children are not achieving at their grade level, a substantial number of them are two years or more behind in their schooling.
>
> . . . The amendment offered by the Committee will permit the Commissioner to make special grants to State educational agencies for the purpose of establishing special education programs for these children. It is expected that the State educational agencies will be imaginative in designing these special programs and that they will cooperate among themselves whenever it is appropriate.[1]

But the Act has failed to resolve the critical problems of migrant children, not because it is inherently unworkable, but because it has been improperly implemented or systematically subverted. Nevertheless, its failures are being cited by some vested interests as evidence that the program itself should be abandoned. We cannot allow this to happen; it would result in the further deprivation of these children. Rather, professionalism and national accountability must be added to all programs, and administrators made responsible for standards of accomplishment.

This report concerns itself with the national problem of the education of migrant children—specifically the failure of the Office of Education to implement, monitor and evaluate Title I programs that could provide migrant farmworkers' children an equivalent education while they are part of a mobile, seasonal agricultural work force. Although specific instances of lack of accountability, misuse of funds, and poor administration of Title I funds for migrants are cited throughout the report, it must be recognized that these are only examples. They indicate problems that are national in scope; the rule rather than the exception.

Between 1966 and today, the lack of accountability in this program has resulted in a full decade and another generation of migrant children ill-prepared to cope with a highly sophisticated and educated society or to be self-sufficient outside an agrarian economic structure. The Migrant Education budget has grown with the number of identified migrant children, from an initial 1966 allocation of $9 million to a Fiscal Year 1977 allocation of $131 million. Once the experience of good programs becomes available it may be found that more funds are needed, but the most pressing immediate need is for effective use of existing funds.

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[1] *Joint Report*, H.R. Rep. No. 1814, 89th Cong., 2nd Sess., (1966), p. 10; Sen. Rep. No. 1674, 89th Cong., 2nd Sess., (1966), pp. 14-15.

To insure that these funds are meeting the needs they are allocated for, no program should be funded without a full understanding of its cost analysis, and its anticipated effectiveness; there must be assurances that goals and performance standards will be achieved for participants in any program that is funded; standards for funding and planning procedures for programs must be such that those affected by the programs are involved in their development, implementation and evaluation; state education departments, instead of enjoying an uncontested monopoly over migrant education funds, should be competing with other possible providers to maximize the availability of the best services.

The clear directives in the 1966 amendments to Title I have been consistently ignored or disobeyed by administrators responsible for implementation; standards of administration and accountability have been largely disregarded. But despite the unacceptable performance so far in the use of special migrant education funds, we still believe that migrant children can be provided educational equity in this nation. This belief is based, however, on the conviction that in addition to providing funds, the Congress can be brought to see that it must assure that the funds are administered responsibly and creatively so that the children will have sound educational opportunities offered through a variety of delivery systems, and access that begins in early childhood.

We recognize that not all of the problems relating to the education of migrant children can be solved by better administration of the Act; many of the problems are deeply embedded in the fabric of our society and require different approaches for resolution. But we must make a start. The proper administration of the Act would be a good-faith demonstration of a fundamental commitment to justice and opportunity for migrant children.

KAREN N. TOBIN
Executive Director
Program Funding, Inc.
Rochester, New York

Administrative Structure

Title I of the Elementary and Secondary Education Act is a massive program—of which Migrant Education is a special part—aimed at providing compensatory services to those children most in need economically. Congress allocates about $1.6 billion annually for Title I, and these funds reach into almost every school district in the nation. Title I provides for federal grants to state education agencies which in turn provide funding to local school districts. Thus, three levels of government have administrative responsibilities for the program. This structure is further complicated by the interposition of inter- and intra-state regional offices.

The migrant education section of Title I has a number of distinctive features, including a provision for bypassing state education agencies unable or unwilling to serve migrant children, but it follows the general pattern of administrative responsibilities established for all Title I programs:[1]

Office of Education

To carry out the Commissioner's obligations under the law, the Office of Education (USOE) is responsible for:

- Determining the funding allocations for eligible state education agencies (SEA's).
- Approving applications from state education agencies for participation in the program.
- Developing and disseminating regulations, program guides, and other materials affecting the administration of Title I.
- Monitoring state and local Title I programs.
- Providing consultative services to state education agencies.
- Compiling fiscal, statistical, and program reports for submission to Congress and use by the general public.
- Withholding funds from any state education agency which fails to fulfill its obligations under Title I.

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[1] U.S. Department of Health, Education and Welfare, Office of Education, *History of Title I ESEA*, Washington, D.C. Reprinted March 1973, pp. 1-2.

The Office of Education uses regulations, criteria, and program guides to inform state and local education officials of their responsibilities. The regulations are generally summaries of various parts of the Act but do not become effective until 30 days after publication in the *Federal Register.* The criteria are attempts to simplify and explain the regulations and are generally of two types: one is aimed at specific decisions on program design, implementation, and evaluation; and the other is aimed at gaining assurance from local education agencies that the priorities stipulated in the Act have been taken into account. Program guides provide basic information about such items as fiscal administration, evaluation, and planning requirements and how the legal requirements contained in the Act can be met.

State Education Agency

In many ways, the SEA has the same responsibility for local school districts with Title I programs that the USOE has for SEA programs. Among the SEA's responsibilities are:

- Administering the statewide Title I program.
- Compiling reports from information submitted by local school districts to forward to the USOE, in accordance with the law and regulations.
- Suballocating basic grant funds to eligible local education agencies.
- Assisting local school officials in the development of projects.
- Monitoring local projects.
- Approving proposed projects in compliance with Title I regulations and program guides.
- Maintaining fiscal records of all grant funds.

Local Education Agency

The local education agency (LEA) has the most direct responsibility for actual program operations, including:

- Identifying the educationally deprived children in low-income areas and determining their special needs.
- Designing and implementing projects, in accordance with Title I regulations and program guides, to meet the educational needs of such children.
- Submitting an application to the SEA for Title I funds.

- Maintaining fiscal records of all project funds and reporting to the State on the use of such funds.
- Maintaining fiscal effort with respect to total current expenditures for education and expenditures in project areas, being sure they are comparable to nonproject areas.
- Making information on Title I projects available to the public.

The original Act and its amendments set forth conditions for the use of Title I funds by a local education agency. The state is mandated to review each LEA's application to assure that conditions of the Act are followed. Among the conditions are that:[1]

- The program is designed to meet the special educational needs of educationally deprived children in eligible attendance areas.
- The program has sufficient size, scope, and quality to give reasonable promise of meeting the children's needs.
- Control of Title I funds and title to property acquired with such funds will be in public agencies.
- Effective procedures for evaluation, including the use of appropriate objective measurements, have been adopted.
- The application, evaluation, and other pertinent documents are made available to parents and the general public.
- Parents are involved in the planning and operation of Title I projects.
- Funds are used to supplement, and not supplant, state and local funds that are available for the education of children being served.
- An annual evaluation report and other reports, as required, have been submitted to the SEA.
- Performance objectives are included in the project design.

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[1] *History of Title I, ESEA*, p. 10.

The structure described above is complex in form and in allocation of responsibility and accountability. The fact that there are at least three levels of government administration involved in migrant education (federal, state, local) almost guarantees the existence of problems. Any one of the bureaucracies alone could, and often does, create serious problems simply because of its structure. With three bureaucracies, the problems are compounded exponentially. (We are using the term "bureaucracy" in its popular sense, that is, as a structure which impedes rather than enhances progress.)

The mass of paperwork required to make the system operate is so large and confusing, that at least one local administrator has decided against applying for migrant education funds solely on the basis that there are too many forms to fill out. The personnel, equipment, and space necessary to handle the paperwork add considerably to the costs of the program. While a rationale could be supplied for each form, regulation, guideline, etc., together they make an almost insurmountable obstacle to programs attempting to meet immediate and changing needs of migrant children.[1]

At the federal level, the Migrant Programs Branch of USOE is charged, among other duties, with interpreting the law, issuing regulations, approving and evaluating state plans, providing technical assistance, and policing the proper use of federal money. The Migrant Programs Branch attempts to perform these duties with a total staff of eight professionals—a number woefully inadequate to meet the spirit of the law and to insure compliance. It is understandable, at least in part, that a good deal of staff time is spent on issuing directives, guidelines, and other requirements which conceivably could make up for the lack of field inspectors, evaluation teams and program specialists. Although funding of Title I Migrant Education programs has increased nearly tenfold since its inception, the federal Migrant Programs Branch professional staff has remained virtually the same size.

This staff, each year, in addition to its other duties, must review and approve or disapprove 50 state plans, each of which encompasses descriptions and evaluations of all of the local programs in that state. Congress has specified that state plans should "show evidence of real promise in making substantial progress toward achieving the purposes of the program involved."[1] Congress expected that the state plans would be reviewed in detail each year to account for changing circumstances and that the actual state and local operations would reveal the extent to which the states have followed their plans. Thus, Congress did not intend that approval of state plans would be a *pro forma* procedure, or that package approval of the plans should take place. Each state plan is meant to "be reviewed separately and approved as a separate document."[2]

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[1] An Oregon State legislator reported on the "bureaucratic nightmare" of a migrant family trying to enroll its children in a day-care center. He found that the parents had to: sign or fill out nine separate forms; drive 20 miles to fill out some of the forms; show proof of previous income; and wait up to ten days for final approval. The nine forms required 26 actions, 14 mailings and had to be handled by six staff people. (Hood River, Oregon, *News,* April 8, 1976.)

Unfortunately, because of shortage of staff, lack of a strong bargaining position, and/or a desire to maintain cordial relations with the states, the federal Migrant Programs Branch has not reviewed or been able to review state applications critically, nor has it determined to what extent the state objectives have been met. No state plan has ever been turned down, although a few have been delayed until suitable corrections were made.

Title I specifically provides that special programs like Migrant Education must receive 100 percent of the funds to which they are entitled first and that general programs under Title I must make do with the remainder.

However, Congress rarely appropriates enough money to adequately cover both migrant programs and the general Title I program, thus creating a situation which motivates Title I administrators to deemphasize the special programs in order to increase the general program's share of funds. In short, a rivalry is created between general Title I and the Title I Migrant Program. It is simply not in the interest of Title I administrators to pursue the much-needed broadening of identification and recruitment procedures for migrant children, because increased recruitment would further reduce general Title I funding. Similarly, it is not in the interest of these administrators to fully or properly staff the Migrant Programs Branch.

The result of this is not simply a staff of insufficient size and energy to cope with the many tasks assigned but, equally important, a ripple effect comes down to state and local administrators who frequently and quite logically believe that they will not be held accountable for any mismanagement. Thus state offices can often freely abuse required funding practices, file incorrect or incomplete information, route money to ineligible recipients, avoid evaluation, and generally repeat the same failures in leadership that are seen in the national office. This is not to say that all state and local administrators are guilty of mismanagement, but many are, and once the mismanagement continues unchecked for a year or two, it becomes institutionalized and violations of the original intent and spirit of the law flourish.

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[1] *Senate Report* No. 634, 91st Congress, 2nd Session, (1970) p. 5.

[2] *Ibid.*

We do not mean to suggest here that inadequate staffing at the top, or inadequate funding throughout the program are in any way justifications for the failures and violations in the Title I Migrant Education program. Rather that these problems are one important part of an appalling neglect of a law written to help poor youngsters. The responsibility for this neglect may not always be traceable to any one group of individuals, but the responsibility for altering the situation is now at the very top–the Congress and the federal administrators–because the state and local entities have shown themselves, in far too many instances, to be incapable of or unwilling to follow the law and serve migrant children.

State migrant education programs are often caught between federal regulations regarding categorical funds and the local educational agencies' right to determine the kind of educational services they will provide. This situation is compounded by the bureaucratic structure of state education agencies and the placement of the migrant bureaus or officers in generally powerless positions in the decision-making chain.

Most state migrant agencies are merely channels for moving federal funds to the local programs, with little power to control the quantity and quality of services delivered to migrant children. Because they are generally loath to trample on local prerogatives, much of the work depends upon personal contacts with local educators, and the ability to coax, wheedle, and cajole them into appropriate action. Although mandated by the law to assure compliance, both federal and state administrators are caught between the conflicting and equally compelling domains of national directives and local autonomy. Many of them would rather fund poor programs than no programs at all.

Among the difficulties faced by administrators at all levels is defining just who is and who is not a migrant. Official definitions issued by various government agencies vary greatly, often leaving the interpretation to local officials who may or may not wish to provide good migrant education programs. This lack of agreement on the definition of a migrant also affects the ability of local and state programs to coordinate their activities with sending (home-base states) or receiving (areas traveled to) migrant programs; someone considered a migrant farm worker in one community might not be considered a migrant in another community.

Delays in funding local programs, stemming from the inordinate amount of paper work flowing in many different directions, often limit their ability to establish and operate needed programs. Delays at the federal level are compounded at the state level, with disheartening results for local programs which cannot effectively plan or staff projects based on present local needs.

Another difficulty inherent in a multi-tiered administrative structure is the lack of consistent and comparable evaluation standards. Within migrant education, evaluation of programs is generally conducted by the same people who are operating the programs. When local program evaluations are submitted to the states and then transmitted to the federal agency, there is literally no review or analysis made of the findings. This in turn, leads to re-funding of poorly run programs, poor educational continuity, and a cost-effectiveness ratio which is impossible to determine.

Federal officials who are supposed to disseminate reports on model programs and those elements in existing programs which appear to work well, cannot do an adequate job of reading and analyzing the evaluation and planning reports they receive from the states. What they do disseminate, therefore, probably reflects their own thinking as to what makes a "good" program, rather than the results of reviewing program documents.

Such factors illustrate the gross lack of responsibility and accountability at all levels of administration. Thus, state and local agencies often misuse or do not use at all the money available with little or no fear of being reprimanded. Money, earmarked for migrants, is used for equipment, staff, and services for nonmigrant students.

Compounding these problems is the tendency, when programs are not being properly run, to hide the facts from the public. Obtaining copies of reports, plans, evaluations, etc., was sometimes difficult for us, a national agency with some political influence; how much more difficult is it for a migrant parent with poor command of the language or little knowledge of how to circumvent bureaucratic delaying tactics?

The lack of appropriate training for teachers and paraprofessional aides working in migrant programs, the lack of emphasis on preschool programs as a measure to prevent migrant children's failure in school, and the lack of properly elected and trained Parent Advisory Councils for the migrant programs, are other shortcomings in the administration of migrant education.

Tying all of these problems together is the Migrant Student Record Transfer System (MSRTS), a computerized, nationwide network designed to provide up-to-date records to those schools which receive migrant students. The MSRTS is a paradigm of all that has been discussed so far. Data fed into the system is not standardized, so determining comparability between communities is almost impossible. Information from the system often arrives too late to do any good; many teachers and administrators resist the system so that either no information is provided or that which is provided is meaningless; confidentiality of migrant student records is abused; parents have little opportunity to see and/or change what is printed on tape; and local administrators often ignore those identified as migrants by the system in their own communities.

These and other problems are the focus of this report. We will attempt to spell out in some detail how migrant children are being denied equal educational opportunity under the law. The format chosen to accomplish this is: to excerpt relevant portions of the Act using the language of the Act itself; to illustrate how the intent and letter of the law are being abused; to discuss, in part, why this is happening; and to make recommendations for improvement.

Special Educational Needs

> **122.(a)(1)(A) The Commissioner may approve . . . an application (for a migrant education project) only upon his determination that payments will be used for programs and projects . . . which are designed to meet the special educational needs of migratory children. . .**

Perhaps more than any other this section epitomizes the intent of Congress in enacting the special legislation for the education of the children of migratory workers. That intent, signalled by the recognition that these children have *special* educational needs, should be evident to any personnel at whatever level of administration or service delivery, who are involved in migrant education programs resulting from the Act.

However, assessments of performance under the Act indicate that this most basic of concepts in the legislation is accorded little, if any, recognition by those responsible for implementing the Congressional directive.

The Department of Health, Education and Welfare's 1971 audit of the migrant education program in Texas,[1] which is fairly typical of the audit's findings in other states, declares: "Our review of applications submitted by 15 LEA's throughout the State showed that the needs identified in most of the applications were of a broad, general educational type and did not set out specific needs of migrant students."

The Exotech[2] findings three years later, summarizing activities in migrant education programs in 10 states, found:

"1. There is very little assessment done of the needs of migrant students as a group. Most assessment is of smaller, sub-groups of migrant students, usually at a local or state level.

"2. Needs assessment is not done on an on-going national basis."

In the time between the two studies there seems to have developed in educational circles an agreement to interpret the wording of the law as a requirement only that the reading, language and mathematics deficiencies of migrant students be measured. This is a very limited definition of "special educational needs."

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[1] Audit Agency of the Department of Health, Education and Welfare, *Report on Audit of the Migrant Children Program Under Title I of the Elementary and Secondary Education Act of 1965 Administered by the State of Texas During the Period January 1, 1967, through August 31, 1970* (Audit Control No. 06-10135), June 21, 1971, p. 4.

[2] Exotech Systems Inc., Vol. I, p. 8.

A broader definition would be based on recognition that a school setting, while attempting to combat the effects of poverty, can help to build and reinforce a positive self-image and to emphasize individual and group strengths. Yet all over the country migrant children are in classrooms where teachers do not speak their language or understand their culture, and where the walls are decorated with pictures of blonde, fashionably dressed, brief-case-carrying models. The Exotech study found there was little or no attempt to explore the migrant culture with students in migrant education programs to show them how their culture fits into the economic and social life of the United States.[1]

Another element in a broader definition would be a more sympathetic recognition that more than 65 percent of migrant students need a bilingual educational experience. In addition to the practical benefits of fluency in two languages, bilingual education is an invaluable tool for helping a child develop a sense of identity and self-worth, a particularly pressing need among migrant children. However, many school systems now segregate the Spanish-speaking children, placing them in "slow-learner" tracks. Other schools teach English-as-a-Second-Language, but expect the Spanish-speaking child to attend regular classes conducted in English. In many programs for bilingual migrant children, where the mandate to recognize special needs can easily be subverted to justify such segregation, these practices are too easily countenanced.

In a truly bilingual setting the child should be taught by teachers and aides who speak English and Spanish, with courses taught in Spanish while English skills are being improved. But in many programs, like one NCLC observed in Collier County, Florida, 70 percent of the students were Spanish-speaking while only 20 percent of the staff could speak Spanish. The school was forcing the children to adjust to its needs, while it should have been adapting its program to meet the needs of the children.

Another significant and fairly obvious special educational need of migrant children is for programs designed to mitigate the effects of constant travel. The lack of national standards, compatible program models, and coordination of programs will be discussed in more detail later in this report. One aspect of this general need, the transfer of credits and other information, has received considerable attention and progress is being made, although the system in use is still far from adequate.

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[1] Exotech Systems Inc., Vol. III, p. 56.

Overall, it is fair to say that the Congressional intent that recognition be given to the special educational needs of migrant children has fallen victim to an insufficiency of leadership in the implementation of the legislation. The gaps exist from the Office of Education, down through the state agencies, and into the individual programs. Stronger measures than simply stating that programs receiving funding should be designed to meet special needs appear necessary if both the intent of the Congress and the requirements of migrant children are to be met.

Number of Migrant Children

> **122.(a)(3)(b) (In determining the number of migrant children) . . . the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.**

The Migrant Student Record Transfer System (MSRTS) is a computer system with a data base/headquarters in Little Rock, Arkansas, and teletype terminals scattered in more than 130 locations nationwide. Its principal intent is to contribute to the continuity of the migrant child's education by maintaining accurate school and health records and transmitting them to each new program the child enrolls in. Operating expenses for the MSRTS are covered by contributions of migrant education funds from all the states, proportional to each state's allocation.

The data base, in 1975, stored information for about 453,000 migrant students.[1] Since reliable figures on the number of migrant children are simply unavailable from other sources, the MSRTS total number of school-age migrant children is generally used. However, because of failures in recruitment and identification there are probably a great many eligible children who are not listed by MSRTS.

The system became fully operational in 1972 and the Education Amendments of 1974 (Public Law 93-380, enacted August 21, 1974) required that MSRTS be used in determining the number of migrant children for purposes of allocating migrant education funds. The data bank provides statistics on numbers and projected locations of enrolled children, and each state's migrant education budget is contingent on the number of children the state expects to serve. The amount of allocated funds, therefore, depends largely on the state's aggressiveness in recruiting and enrolling migrant children. While this can be construed as an incentive to engage in more active recruitment, it has not always had that effect: A General Accounting Office audit found, in 1975, that many schools were not enrolling as many migrant students as they could.[2]

Even the most conscientious local administrators have conflicts about aggressive recruitment because of the inflexibility of the funding process. If children are recruited after the funding has been determined for the year, programs can receive no more money for the new enrollees and the money they have already received will have to be spread more thinly. Thus, in the eyes of the program administrator, although more children will be served, each one of them will be served less effectively. On the other hand, if more children are enrolled and added to the MSRTS list, they will be counted in computing the next fiscal year's allocation, thereby increasing future budgets.

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[1] U.S. Office of Education.

[2] United States General Accounting Office, *Evaluation of the Migrant Student Record Transfer System*, Sept. 16, 1975, p. 7.

A 1974 study of Title I Migrant programs[1] found that many eligible children were not being identified, therefore not served; two states studied by HEW's own audit agency were found to be unaware of numerous migrant children enrolled in local schools,[2] an administrative assistant with the Texas Education Agency, after working with MSRTS for six months, estimated that there were approximately 300,000 migrants in the state, although only 60,000 were listed in the data bank.

It is also true that being identified as eligible, and listed on the MSRTS, is no guarantee of receiving services. Many local administrators undertake no recruitment or outreach efforts, even when they know from MSRTS records that there are large numbers of eligible children in the area. In Texas, in 1974, more than 20,000 eligible migrant children listed on the MSRTS were not enrolled in migrant education projects,[3] in 1976, two Florida counties with more than 10,000 eligible children listed on the MSRTS were serving fewer than 3,000.[4] in New Jersey, a local principal decided not to apply for funds to serve the identified migrants in his district because there were too many forms to fill out.[5]

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[1] Exotech Systems Inc.

[2] Audit Agency of the Department of Health, Education and Welfare, *Report on Audit of the Administration of the Migrant Children Education Program* (Audit Control No. 13-33700) July 21, 1972, Appendix, p. 2.

[3] Audit Agency of the Department of Health, Education and Welfare, *Report on Follow-Up Review of the Migrant Children Program*, 1974.

[4] Information from NCLC field investigations, 1976.

[5] *Ibid.*

Transmittal of Records

> **122.(a)(1)(A) The Commissioner may approve . . . an application (for a migrant education project) only upon his determination that payments will be used (for) the transmittal of pertinent information with respect to school records of such children.**

MSRTS entries are designed to include a child's name, birthplace, student number, school history, parental relationships, special interests, special programs attended, academic test scores, medical history and health problems. The school receiving a migrant child alerts the computer data base, and that child's record is then transmitted to the school through a local teletype terminal or by mail. In turn, the school adds any new information it has to the record when the child leaves or completes a program.

Experience thus far with MSRTS has revealed a number of major problems. First, there are no standard instructions as to what data is to be fed into the system, so each school enters data on whatever tests it normally uses. Because no standardized (statewide or nationwide) tests are used, results from one school or program may not be usable by the next school. In order to diagnose the child's academic progress and needs, each new school must retest the child, using its own preferred evaluation instrument.[1]

As a result, although one of the primary purposes of MSRTS is to avoid duplication of services, the records of a single child may contain data from ten or twelve tests given over a brief period—all of which measure reading level. The wide variety of testing instruments and procedures in use, as well as frequent gaps in MSRTS records, lead to a situation where "some migrant students are pre-tested only, some are post-tested only, some are never tested, and some are tested to exasperation."[1] For each child, several weeks in the next school or program may be spent repeating basic diagnostic procedures—a wasteful indulgence, destructive to the child, that could be prevented by an efficient, standardized, record-keeping system.

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[1] The following is a partial list of tests currently or recently in use for migrant children: Otis-Lennon I.Q. Tests, Slossen Intelligence Test, Cooperative Tests of Basic Skills, Developmental Test of Visual-Motor Integration, General Information Test of the Peabody Individual Achievement Test, McMillan Readiness Test, Wide Range Achievement Test, Clymer-Barrett Test, Inventory of Readiness Skills, Scholastic Aptitude Test, Harper-Row Reading Test, Metropolitan Reading Test, California Achievement Test, Lee Clark Reading Readiness Test, Stanford Achievement Test, California Test of Basic Skills, Stanford Diagnostic Reading Test, Iowa Test of Basic Skills, Mental Ability Figure, Cooperation Sequential Test of Educational Progress, Peabody Picture Vocabulary, Virginia Criterion Reference Test.

A certain amount of excessive testing (or even vaccinating) may be forced on local programs, however, because MSRTS records simply don't arrive. Teachers and administrators have found that a delay of two to four weeks is considered "acceptable" within the system. A delay of this length renders MSRTS data useless for summer programs which only last six or eight weeks. A 1975 federal audit[2] of migrant summer programs in Delaware, Virginia, and Maryland labelled MSRTS "virtually useless" in assisting those states to implement effective programs. By the time the programs were half over, only 48 percent of the students' records had been received. In Lake Mills, Wisconsin, in 1976, a seven-week summer program had received no records after three weeks of operation.[3]

If MSRTS is to accomplish its mission, it must provide information to all programs within a matter of days. Current delays not only cripple short-term programs, but lead regular schools to postpone effective planning indefinitely, while awaiting student records. In addition, the records themselves must be more accurate and comprehensive to be considered "pertinent" within the intent of the legislation. Many transcripts now arrive with no entries except the student's name and number. Teachers in many areas have resisted using MSRTS and so have contributed to the paucity of information on some students by refusing to retrieve system data or supplement records with new data. An information campaign and training effort of great magnitude is required if MSRTS is to gain the cooperation of all relevant school personnel.

The question of potential invasion of privacy of any student records has also been raised with respect to MSRTS. These records travel around the country, are seen by personnel in numerous locations, and are thus more vulnerable to abuses of confidentiality than records stored for years in a single school. The safeguards commonly employed for any student records are even more critically needed to protect migrant children and their families from misuse of MSRTS information. In addition, adequate procedures must be adopted for providing the parents of migrant students with access to their children's MSRTS data so that they may correct or remove information that is incomplete or inaccurate.

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[1] Exotech Systems Inc., Vol. I, p. 5.

[2] Audit Agency of the Department of Health, Education and Welfare, *Review of Migrant Education Summer Programs in Delaware, Maryland and Virginia* (Audit Control No. 50009-03), January 23, 1975.

[3] Information from NCLC field investigations, 1976.

Eligibility

> **The USOE defines a currently migrant child as one who "...moved with his family from one school district to another during the past year in order that a parent or other member of his immediate family might secure employment in agriculture or in related food processing."**

The USOE definition of migrancy has been found inadequate for determining eligibility in migrant education programs, largely because it contains no further definitions for either "agriculture" or "related food processing." Many states promulgate their own definitions, leading to problems for those migrant students who travel between states. The USOE definition also differs substantively from those used by other federal programs which can provide support services to migrants, such as the Department of Agriculture, the Migrant Health Programs, etc.

Vagueness in eligibility requirements can result in abuses like that in Aroostook County, Maine, where in May, 1976, a county recruiter for the migrant program stated that the "children of families who travel to livestock fairs for a week or more in the summer to display their farm animals are also eligible" to participate in migrant education programs.[1]

The lack of uniformity in eligibility requirements has severely impeded the coordination of program efforts, both within migrant education programming and between this and other available services. If current resources designed to aid migrant children are ever to become truly available to those for whom they are intended, standard definitions must be adopted by all the agencies involved in providing services.

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[1] Wayne Reilly, "Migrant Education in Maine," (Bangor, Maine, *News*, May 4, 1976).

Duration of Eligibility

> **122.(a)(3) . . . a migratory child . . . shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by . . . a program or project under this subsection.**

Congress, in section 122(a)(3) quoted above, recognized that the effects of migrancy on a child's educational achievement are so devastating that they may not be expected to cease when migration ceases. Children who have been migrants are likely to be substantially behind their age-peers in school, and behind their grade-peers in academic success. The child who has "settled out," i.e., left the migrant stream, continues to require special assistance and therefore continues to be eligible for services under this legislation for five additional years. The USOE, in 1975, estimated the number of such children to be in excess of 275,000.[1]

Congressional intent does not insure action, however, and five-year migrants have not been included in any year's funding base until planning the FY1977 budget. Local programs have been largely unable to extend services to these children because the programs were only funded for currently migratory children. Thus, parents who were considering settling out of the stream for all the potential benefits that geographic stability may offer have been faced with a singular problem: as far as their children's education is concerned they might be better off continuing to migrate.

It is hoped that intensive recruitment efforts will be launched so that five-year children, with the consent of their parents, can be identified and enrolled in programs that can help meet their special educational needs.

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[1] U.S. General Accounting Office, p. 13.

Manner of Funding

> **122.(a)(1) A state education agency . . . shall be entitled to receive a grant for any fiscal year . . . to establish or improve . . . programs of education for migratory children of migratory agricultural workers. . .**

The funding process, pursuant to federal regulation[1] generally follows this route: the Office of Education provides a grant to each State Educational Agency (SEA) for all of the programs to be held in that state, and the SEA's distribute the funds to each local education agency (LEA) or private agency directly administering a program.

For local programs a significant problem that occurs in this process is lateness of funding: delays at the federal level have damaging repercussions all the way down to the individual projects at the local level. Following notification of funding, localities should be allowed a reasonable period of time in which to recruit (and train, if necessary) the best possible staff and determine which program objectives can best be met with the amount of money available. Since local districts do not get interim planning time they are often forced to hire teachers with the understanding that their jobs depend on future funding and will be eliminated if funds are not forthcoming. Most teachers cannot afford to commit themselves to such a tenuous contract—they must be sure that they will have work in the coming semester or year. The result is that often the only staff members hired are teachers whose credentials are so questionable that they cannot get work elsewhere. The knowledge that programs may be cancelled at any moment has also discouraged capable people from pursuing specialized work in migrant education.

The Exotech study[2] found that uncertainty of funding was the major problem encountered in implementation of the migrant education program because of the limitations it places on staffing, general coordination among programs, and planning individual projects.

Compounding the problems caused by funding delays, is the inflexibility of state allocations once the federal funding level is finally determined. State agencies do not conduct periodic reviews of their cash positions in order to respond to changing needs at the local level. A district that is funded for 75 children will not be able to receive additional monies if it is discovered that, in fact, 95 migrant children are currently in the area. Conversely, an area which receives fewer migrant children than it had planned for is not compelled to return extra money promptly so that it may be redistributed to areas receiving more children than planned for.

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[1] 20 U.S.C. 241c-2(a)(1).

[2] Exotech Systems Inc., Vol. III, Chapter X, p. 33.

This rigidity in state disbursement has the effect of discouraging active recruitment of eligible children where a program has enrolled the number it has been allocated funds for. Such rigidity also ignores the single most obvious characteristic of migrancy: that children will be moving in unpredictable patterns.

Misapplication of Funds

> **141.(1)(3)(B) . . . funds made available under this title will be so used (i) as to supplement and . . . increase the level of funds that would . . . be made available from non-Federal sources . . . and (ii) in no case, as to supplant such funds from non-Federal sources.**

Compliance with this section of the Act requires that equipment and staff that would normally be provided in a school (whether there is a migrant program or not) must not be paid for with migrant education funds. Since it is the responsibility of every local district to provide basic services to every child, and since Title I migrant monies are intended solely to *supplement* basic services to migrant children, migrant funds should be expended only for services or materials above and beyond those normally utilized by a school or program. But this mandate is often not followed. For example, a school in McAllen, Texas was in clear violation of the law when it charged librarian and nursing services to the migrant project while these services were provided to non-project schools by state and local funds.[1]

The standard of "comparability" is used to determine the proper level of state and local expenditures: "State and local funds should be used to provide services in project areas that are comparable to the services provided in nonproject areas."[2]

Yet, in 1972, an eight-state audit revealed expenditures of $300,000 of Migrant Education money for general nonmigrant educational purposes previously paid for by state and local funds.[3]

In addition to state and local school budgets, there are many other resources that can be tapped to provide supportive services of food, clothing, and health care so that migrant funds could directly benefit migrant children, reduce migrant program spending, and eliminate duplication of cost and effort. In Lake Mills, Wisconsin, more than one-quarter of the 1976 summer programs budget was spent on health and food costs, presumably because the program staff was simply unaware of the existence of Migrant

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[1] Audit Agency of DHEW, June 21, 1971, p. 39.

[2] *Ibid.*

[3] Audit Agency of DHEW, July 21, 1972, p. 7.

Health Clinics, and U.S. Department of Agriculture lunch and breakfast programs.[1]

Probably the most serious administrative error on the part of local agencies is their failure to extend regular Title I services to the migrant child. Title I eligibility is based solely on financial need, and most migrant children qualify for assistance and are computed in the funding base. However, the Exotech study found that few states were taking advantage of this money: most directors of migrant programs interviewed had never even considered the use of regular Title I funds for migrant children as a possibility.[2]

The Congressional intent is clear. Special migrant education funding was to provide the child with assistance above and beyond, not instead of, that provided by Title I. Yet migrant program expenditures in fiscal years 1967-71 were over $23 million for such items as food, health, and clothing–approximately 13 percent of each year's budget.[3] By taking federal funds for migrant children at their full rate, but keeping programs' services to a minimum, local administrators can improve their schools by remodelling gymnasiums, constructing swimming pools, and purchasing new equipment. Custodial care for a school building should also be charged to the regular school budget. But in Collier County, Florida, Tolleson, Arizona, and San Benito, Texas, to name only a few, significant charges were made in the migrant budget for custodial care.

Specially targeted migrant funds are consistently used for providing services to nonmigrants: a 1972 audit[4] found that one state had spent $2 million–half of its appropriation from 1967 to 1971–on nonmigrants. In Texas, a 1971 audit[5] found that from 32 to 36 percent of the children enrolled in preschool programs were nonmigrants, representing approximately $88,000 in program funds. In 1975, a New Jersey program served 70 children, 53 of whom were subsequently identified as nonmigrants.[6] In 1976, local people examining enrollment lists from a Florida preschool program estimated that well over half of the children were from local non-migrant families.[1]

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[1] From NCLC review of program documents, 1976.

[2] Exotech Systems Inc., Vol. I, p. 19.

[3] Audit Agency of DHEW, July 21, 1972, p. 6.

[4] *Ibid,* Appendix, p. 1.

[5] Audit Agency of DHEW, June 21, 1971, p. 5.

[6] Information from NCLC field investigations, 1976.

Occasionally, the United States Office of Education has been able to recover funds where there have been gross violations of funding regulations. More often, however, violations are overlooked in the interest of maintaining harmony and good communication with the states, and the promise that abuses will be corrected is found acceptable. Education administrators at federal, state and local levels have established a friendly "club-house" atmosphere with their colleagues and overlook or dismiss as inconsequential charges of misuse of federal funds. But, unless and until the USOE decides to follow strict accountability procedures and cut off funds to those states and communities unwilling to comply with the regulations or to redirect the funds through agencies that will obey laws and regulations, migrant children will be denied their full educational opportunities.

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[1] Information from NCLC field investigations, 1976.

Program Coordination

> **122.(a)(1)(A) The Commissioner may approve . . . an application (for a migrant education project) only upon his determination that payments will be used to coordinate these programs and projects with similar programs and projects in other States. . .**

In one state, Learn and Earn vocational training for older migrant students is a highly successful program with a comprehensive network of support services, work experience, specific skill training, and good placement and follow-up procedures; in another state's Learn and Earn program, many of the teachers are unfamiliar with the skill areas they teach, support services are virtually nonexistent, and dropout rates run as high as 98 percent. In one state a high school student completes an intensive summer school course in biology; in the student's home-base state, her high school will not recognize the credit earned in the course and so she is not permitted to be graduated with the rest of her class. In one state, a high-school-age migrant youngster is welcomed into a new school and special efforts are made to provide the warmth and flexibility that will facilitate his growth; in another state he is met with a bill for $57, the standard charge for his supply of dilapidated textbooks, and a "guidance counselor" who advises him to drop out of school. In one state a child with preschool experience enters a first-grade class with confidence and curiosity; in another state the school atmosphere is so frankly racist that the child, after one week, becomes a six-year-old dropout.

These examples, each of which was documented by NCLC in our research and field studies, illustrate the lack of a coherent national approach to the problems of educating migrant children. Programs are not communicating with each other and there is little leadership from USOE and state education directors to facilitate such communication. As a result, poor programs are perpetuated, good program elements are not disseminated for replication, and little effort is made to insure educational continuity.

Greater coordination at all levels should exist if the migrant education program is to succeed, but the impetus must come from USOE. The need for this direction was clearly expressed by the Congress in a 1966 Joint Report: "The Office (of Education) should exercise leadership in bringing States together to coordinate services and programs so that continuity of education of the children is achieved."[1]

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[1] *Joint Report*, H.R. No. 1814, p. 10.

Model Programs

> **141(a)(10) . . . effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects;**

Most migrant programs are developed and implemented entirely at the local level, and many of them are not successful in meeting the special educational needs of migrant children. Each time a locality decides to mount a program it must go through an information-gathering and assessing process that has already been completed in thousands of other schools. While exchanges of information do take place between local districts, they occur without benefit of aggressive leadership from the federal Migrant Programs Branch.

Every assessment of migrant programs that NCLC has seen has clearly stated the need for dissemination of model program elements, as have many State Migrant Education directors,[1] but the Migrant Programs Branch has remained unresponsive. The General Accounting Office, for instance, recommended in 1973 that the Office of Education provide information on the "best teaching methods, curricula and educational material"[2] to meet migrant children's special educational needs. This recommendation, which simply amounts to urging compliance with the law, has not been acted upon. Compiling and distributing information about existing programs that have demonstrated a high degree of success should be an ongoing accompaniment to the development of model programs.

Even in the absence of sound models, local programs could be dramatically improved through technical assistance from the state or federal offices. Dissemination of standard, but flexible, methods and materials would be an important step toward both eliminating duplication of effort and improving program quality. A thorough and responsible effort on the part of the Migrant Programs Branch could be expected to reduce cost per child in the long run by reducing the program development expenses that are now so often reflected in the per capita figures. This expectation is bolstered by the observation that there is now no detectable relationship between per capita expenditures and program quality.

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[1] Exotech Systems Inc.

[2] U.S. General Accounting Office, *Report to the Congress–Impact of Federal Programs to Improve the Living Conditions of Migrant and Other Seasonal Farmworkers,* February 6, 1973.

Staff Training

141.(a)(12) In the case of projects involving the use of education aides, the local education agency sets forth well-developed plans providing for coordinated programs of training in which education aides and the professional staff whom they are assisting will participate together.

Though the tasks of paraprofessional aides vary from school to school and class to class, having an individual trained to supplement the activities and the knowledge of a teacher can be an invaluable asset. In many instances, the work of aides can mean significantly greater growth for a child. This is particularly so for migrant children, whose teachers often are not fully familiar with the children's cultural and family backgrounds, and (as in most classrooms) cannot take the time for individual attention when needed. At its best, the presence of aides in the migrant program classroom can greatly increase the amount of individual attention that students receive and provide a crucial link between home and school.

However, in this area of migrant education, as in so many others, lack of leadership is causing a wasteful and damaging underutilization of a valuable resource. Though paraprofessional aides are widely used in migrant programs, their training is frequently so inadequate that their usefulness is lost. Many aides are used simply as clerical workers or translators; others are forced, totally unprepared, to do all the "teaching" when it turns out that the language barrier between teacher and student is insurmountable.

Among the many instances of the misuse of paraprofessionals we observed was one in a Wisconsin program where a Spanish-speaking aide with no formal education of her own was struggling to teach biology, as well as other subjects, to Spanish-speaking children. The teacher spoke no Spanish at all and so was not able to provide the technical input which the children needed and to which they were entitled.

Many paraprofessional aides have indicated a desire for more training and/or a greater awareness of the objectives of the program they serve. If the aides are to be helpful in the classroom and in their relations with parents, the provision in the law requiring well-designed in-service training programs should be enforced. In addition to language proficiency and cultural background similar to that of the children served, as suggested by the U.S. Office of Civil Rights,[1] aides also need to know what their jobs are, where limitations exist, and what is expected of them.

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[1] United States Office of Civil Rights, "Draft Memorandum re: Compliance with Title VII of the Civil Rights Act of 1964," December 3, 1975.

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If equal educational services are to be provided to all minority children (including migrants) pursuant to Title 6 of the Civil Rights Act of 1964, paraprofessional aides should play a major role. If the Title I Migrant Education program is to succeed in facilitating equal educational services for migrant children, a revitalized effort should be made to upgrade training for these aides.

While the importance of paraprofessional aides cannot be overemphasized, the professional teacher still must shoulder the responsibility for success or failure in the classroom. Highly qualified teachers are, in the migrant program as in most educational programs, absolutely essential. In addition, migrant program teachers, like the professional aides, should have special training to assure sensitivity to the special pressures facing the migrant child.

Before being able to make a significant impact in improving skills, teachers of migrant children must be able to deal with the emotional needs of their students. Like other children, migrant children should be warmly accepted in the school environment if they are to be able to learn; unlike other children, migrant children do not come to the school anticipating such an environment. Past experiences for both the children and their parents have left migrants wary of school officials, teachers, and administrators. A special effort must therefore be made by migrant program teachers to make migrant children feel wanted and important. Two contrasting scenes which we observed serve to illustrate the point:

- The teacher spoke to the children equally easily in both Spanish and English, discussing with them the colors of various fruits. She asked how the fruits were picked, marketed and grown. The children were all migrants and were very familiar with these matters, so they clamored to tell the teacher their own experiences. I had never seen children so involved in the educational process. They were truly verbal, they were truly enjoying themselves, they were truly relating to the teacher.

- One little girl was such a good reader that she was regularly asked to read aloud to her whole congregation on Sundays. For all her apparent skills, however, she suddenly became upset about school and said that she didn't want to go anymore. It turned out that her teacher had told the child that she was

> stupid, and had impressed it upon her with such vehemence that the child was convinced–and ceased to be able to read in school.

As in the case of paraprofessional aides, teachers must be given substantive training, as called for in the migrant education legislation, if the intended effort in migrant education is to take place and, more important, if it is to succeed.

Congress clearly recognized the importance of well-trained staff in the migrant education field, but for a variety of reasons the intent of the law has been widely ignored.

Preschool Programs

122.(a)(1)(D) . . . provision will be made for the preschool educational needs of migratory children . . .

A critical matter of focus in the migrant education program has yet to be resolved at the national level: are efforts to improve the educational opportunities of migrant children to be exclusively concentrated on corrective measures, or shall preventive steps be taken? The section of the law cited above indicates Congressional recognition of the value of preschool experiences, which enable the child to enter first grade with a greater readiness for academic work and with greater self-confidence. However, this section of the law also requires that compliance "not detract from the operation of programs and projects described in clause (A) of the paragraph." (Clause A contains the general mandate for programs to meet the special educational needs of migrant children.) The USOE has interpreted this section to mean that three-and four-year-old children cannot be served until all migrant students ages five to 17 are served. The practical effect of this policy is that there are not nearly enough full-year preschool programs to meet the needs of children and parents. Many educators have expressed concern over this interpretation; they interpret the section as requiring a preschool program precisely because it is a "special educational need" of the migrant child.

In 1975, the state of Florida reviewed data on over 1,600 migrant and non-migrant students and found that 32 percent of migrant children without preschool experience have to repeat the first grade; among nonmigrant children with no preschool experiences only 14 percent had to repeat first grade.[1] Thus, in their first year of school, many migrant children will begin the familiar early-dropout pattern of repeating grades until they are both substantially older and demonstrably less successful than their grade peers.

The Florida sample also found that of the migrant children who participated in preschool programs from the ages of three to five, not one had to repeat the first grade. Early childhood education and competent day-care appear critical to the future educational success of the migrant child.

The provision of day-care facilities for younger migrant children has several benefits. The child is usually well cared for and has the benefit of being with other children. The parent is free to work without worry. Finally, Title I regulations permit the provision of day-care services to preschool migrant children when it can be demonstrated that these services would free school-age children from babysitting chores and enable them to attend education programs. A 1975 HEW audit of summer programs in three states found that day-care services were the most important factor in allowing many older children to attend educational programs, and recommended expansion of day-care for even greater effect.[1]

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[1] Dale Hilburn, Florida Department of Education, Testimony before the Subcommittee on Agricultural Labor of the House Committee on Education and Labor, December 5, 1975.

A day-care center, like a preschool program, must be more than a babysitting service if it is to make a genuine contribution to meeting special educational needs. In addition to being responsive to the particular needs (time, location, etc.) of parents, it should provide child development activities that contribute to physical, emotional and intellectual growth. Day-care and early childhood education are powerful tools for providing the young migrant child with a head start on educational success, but they are not being utilized to their fullest. The U.S. Office of Education has demonstrated a reluctance to require these opportunities for migrant children, in favor of more costly later remedies for those older children who go unserved in their early years. To facilitate expanded services to younger children, paragraph (D) of the law should be rewritten to state clearly the obligation to serve preschool migrant children.

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[1] Audit Agency of DHEW, January 23, 1975.

Program Evaluation

> **141.(a)(6) That effective procedures, including provisions for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs . . .**

Each local agency running a migrant program is required by the law to evaluate its success by objective measurements, including tests, and transmit the data to the state agency, which must in turn transmit the data to the USOE. Since, in practice, the "effective procedures" have been left to the discretion of each program, there exists no systematic approach for evaluating the numerous and diverse migrant education programs and no way to compare their relative effectiveness. A wide variety of objective assessment mechanisms are employed from area to area, making comparison impossible. In addition, directly contrary to the law, subjective reporting is often exclusively relied upon to measure program effectiveness.

Program summaries, if received at all by higher-level administrators, are often incomplete or inaccurate, frequently have defects affecting the reliability of the data they contain, or lack any objective measures whatsoever. The deficiencies in program reports may help to explain why they generally have not been formally analyzed, or perhaps even read, by the USOE. HEW's audit agency, in its 1974 review of the migrant education program, found no evidence of attention to or examination of more than 1,600 project summaries which had been received since the previous audit.[1]

The lack of responsible review leads to continuous abuses: One state, unnamed by the audit[2] was found to have awarded FY1971 contracts to 24 local agencies who had not yet submitted project evaluations for FY1970. In Texas, another audit[3] found that there was no mechanism in existence to even determine whether local projects had been evaluated; an unevaluated program in McCallen, Texas, was granted a $39,000 increase for the next year;[4] one state director refused to allow agency staff to evaluate new programs, and critical evaluations by state personnel were simply removed from the files.[1]

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[1] Audit Agency of DHEW, *Report on Follow-Up Review of the Migrant Children Program*, 1974.

[2] Audit Agency of DHEW, July 21, 1972, p. 8.

[3] Audit Agency of DHEW, June 21, 1971, p. 37.

[4] *Ibid.* p. 36.

Present accountability requirements appear to offer little incentive for honest, objective annual evaluations at the state or local level, and evaluations rarely receive any careful scrutiny at the federal level.

It should be noted here that the Migrant Programs Branch of the Office of Education is so inadequately staffed, because of interdepartmental competition for funds, that it cannot possibly conduct thorough program reviews or fulfill many other functions accorded it.[2] Clearly, any Congressional demand for competent program assessment by the USOE must be accompanied by a realistic appreciation of the budget and staff required for such an effort. With proper staffing, the Migrant Programs Branch could and should promulgate performance criteria to be utilized in monitoring and evaluating local programs.

At the local level, program monitoring should be separated from program operation—there are very few fields where data collection by service providers is considered the most accurate way of measuring effectiveness. Evaluations should be conducted by independent agents who have no stake in perpetuating any particular program. Truly objective assessment would have highly cost-effective results: only programs that genuinely meet the special educational needs of migrant children would be re-funded; ineffective programs would be weeded out or upgraded.

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[1] Information from NCLC field interviews, 1976.

[2] The Migrant Programs Branch staff consists of five senior professionals, three junior professionals, and two clerical workers.

Bypassing a State

> **122.(a)(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children . . . or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this subsection . . .**

This section of the Act provides an alternate funding route that may be followed by the USOE if it feels that any state is not adequately providing for the migrant children in its jurisdiction. It has never been utilized.

USOE's interpretation of this clause has been that, before the Commissioner can bypass the state education agency, all migrant programming in that state must have been found inadequate.[1] However, USOE, as has been repeatedly demonstrated by audits and studies of the entire migrant education program, does not evaluate state programs. If programs are not evaluated, they cannot be found incompetent; if they are not found incompetent, they cannot be bypassed. USOE policy insures that there is no mechanism for discrediting state operations and, therefore, there is no mechanism for circumventing them.

USOE policy also insures that there is little incentive for states to upgrade their migrant education programs, nor has any state ever been denied its program funding on the basis of poor program performance, fiscal mismanagement, or any other reason. Although instances of malfeasance have been repeatedly documented in state after state, the Office of Education has never entertained competitive bids for delivery of services to migrant children.

The states are less restricted in this area, frequently subcontracting with non-LEA's to provide services to migrant children. Such subcontracts do not always result in more efficient and economic administration, however, if they are awarded on the basis of considerations other than range and effectiveness of services.

The original contract for research and development of the Migrant Student Record Transfer System was a costly example of the pitfalls both in

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[1] Letter to NCLC from Richard L. Fairley, Director, Division of Education for the Disadvantaged, March 9, 1976.

USOE's refusal to deal with non-SEA's, and SEA casualness about fiscal responsibility. The contract, for $426,150, was awarded to the Arkansas SEA, the contract price having been decided solely on the basis of available funds, with no assessment of the actual costs involved.[1] The Arkansas SEA did not have the facilities or expertise to accomplish the contract—a fact that USOE apparently had chosen to ignore—so most of the work, in the amount of $324,650, was subcontracted to the University of Arkansas Medical School. The Medical School made a net profit of $213,127 (191 percent) on the subcontract, having actually incurred costs of only $111,523.[2]

The fact that states can choose to contract with non-LEA's for delivery of services might encourage increased excellence in the field if service deliverers upgraded projects to meet anticipated competition. This has not always been the case, however, because state directors are often accountable to no one for these decisions, and can award contracts on grounds other than evidence of potential or performance. In one state, in 1976, the Director of Migrant Education re-routed funding for a vocational program for older migrant children that was demonstrating a high degree of success at a relatively low cost in migrant funds by the simple expedient of utilizing available funds from other agencies. The program had been run by a nonprofit agency, with high farmworker representation on its board. Re-routing its funding structure, from direct payment to payment through an LEA, drastically reduced the program's effectiveness and the number of people it could serve. There is no independent mechanism such as a farmworker organization or Parent Advisory Council at the state level to which an appeal can be made about arbitrary decisions. Nor is there recourse to the federal level since no effective evaluation takes place there.

The USOE and state directors are empowered to contract with nonprofit agencies to provide programs for migrant children, and among the appropriate groups for this purpose are farmworker organizations. Such organizations may be more likely than most to understand their constituencies, and represent their unique needs. If they can also run good programs at lower cost than LEA's, as was the case with the vocational program mentioned above, then they should be utilized. Every administrative level of the migrant education program has an obligation to initiate programs that not only meet the special educational needs of migrant children, but are also responsive to the financial limitations of the program and general standards of cost-effectiveness and efficiency. This is not being done.

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[1] Audit Agency of the Department of Health, Education and Welfare, *Review of Contract Administration by the U.S.O.E. Relating to the Migrant Student Record Transfer System* (Audit Control No. 06-20087), November 12, 1971.

[2] *Ibid.*

Making Documents Public

141.(a)(8) That the local educational agency is making the application and all pertinent documents available to parents and other members of the general public . . .

For purposes of this study, NCLC reviewed program applications and summaries from all over the country, as well as audits, program reviews, assessments, test results, guidebooks, federal, state and local publications on migrant education, and other literature. With some notable exceptions, these documents were relatively accessible if the proper source for each item was identified (not always an easy task), and reasonable reproducing fees paid. We encountered a certain amount of bureaucratic obstructiveness but it was rarely insurmountable, since NCLC is a nationally known organization with established credentials in the field of migrant education. The exceptions were found primarily in New York and New Jersey, where administrators refused to provide evaluation data, and in Florida, where one evaluator denied that evaluation data existed in order to avoid producing it.

It was our conclusion that it would be significantly less easy for individual members of the general public (for instance, migrant parents) to find their way through the institutional morass surrounding these documents without experiencing a great deal of unnecessary frustration. In some areas, as well, parents in search of documents must deal with individuals in authority who are gratuitously obstructive because of their obvious prejudices.

Institutions dealing with culturally different and economically deprived constituencies have an obligation to be particularly responsive to those they serve. In communities that are unwelcoming, even hostile, migrant programs must be sure that every area of operation is completely open and accessible--encouraging thorough examination of the program and its records by migrant parents so that the project and staff may gain the confidence and cooperation of those they serve.

On this subject, the state of Texas must be dealt with separately: its current policy is so blatantly obstructive that it is likely that only legislative remedies will suffice to bring about compliance with the intent of the law. In response to a request for program documents, W.N. Kirby, Director of the Texas Education Agency's Division of Federal Funding, informed us that the rate for reproducing public documents is 55¢ per page--more than ten times the actual cost of duplication. Making documents available to migrant parents and the public is a high-profit industry in Texas, an industry that is obviously designed to exclude most people from the workings of government.

Parent Involvement

> **Public Law 91-230 (1970) *contains* a general provision empowering the Commissioner to require parental involvement in programs he feels would be enhanced by such participation.**

One of the greatest hardships a migrant child must face in a regular school program (or a poorly-run migrant program) is the enormous disparity between the school setting and the home setting, between school values and home values, and between school language and home language. Twice a day the child must move from one culture to a significantly different one.

For the nonmigrant child the transition is usually easier, school values reflect home values, the orderly processes of the school resemble those of the home, ideals of appearance, dress, punctuality, self-control, and language resemble the ideals presented in the home. If these values are not similar enough to lead to a smooth transition from home to school, the parents will often organize to change the school–such organization being a valuable tool of the enfranchised–or, in consultation with school officials, adapt the home environment to better reflect the school environment.

It is less easy for the disenfranchised to organize. Parents of migrant children are often unfamiliar and uncomfortable with the school. Their own, frequently very limited, school experiences have been hostile and unrewarding, their language may be different from that spoken in school, their culture is likely to be different from that of teachers and school administrators. Therefore, migrant parents rarely organize to alter institutions–if they choose to deal with the school, it is usually as individuals. That happens infrequently, however, because many parents believe that they will be treated with contempt by the school, that they will not be able to communicate with school personnel, or that any questions they ask or demands they make will result in some punishment for their children.

Home-school contacts are one of the weakest parts of migrant education programs. Parents who are involved in ESEA-mandated Advisory Councils are often not chosen by other parents–they are appointed by school administrators or project directors. In Arizona, one council consisted of parents who were unaware of their membership in the council, because they had been appointed, without discussion, after attending a showing of a movie about migrant education. Many councils lose any possibility of contact with their members by failing to send out home notices in Spanish as well as English.

An indication of how minimal parent involvement usually is was given by the Exotech study.[1] Program Directors, when surveyed, reported that 84 percent of the local programs had parent involvement. Teachers in the same programs, however, responded that to their knowledge only 33 percent of the programs had such involvement.

Congress realized the significance of parental participation in the Title I (ESEA) legislation, and required local education agencies to create Parent Advisory Councils which would have significant input into the planning, operation and evaluation of the Title I programs. The councils are required to play a prominent role in developing projects, approving applications, and setting priorities. School authorities are required to provide them with access to appropriate program information, such as reports, applications, regulations, and evaluations. According to the legislation, council members must be chosen by other parents, not by school officials. The council must not only be properly constituted but must also be adequately prepared to perform its advisory function. To that end, training must be offered to council members unless an explanation of why such training is not necessary can be given. Title I applications cannot be approved unless they include descriptions of how the parents of the children to be served will be consulted and involved in planning and carrying out the project.

These provisions in the Title I legislation were not made specifically applicable to migrant education projects, but the Office of Education has the power to require parental involvement. In addition, ESEA Title I Program Guide No. 44 requires documented evidence that "the priority needs of educationally deprived children . . . were determined in consultation . . . with . . . parents."

NCLC recommends that the Congress make all funding of migrant education programs contingent on proof of active parent involvement. There should also be significant parent input at the regional and state levels —or at any level where educators and administrators meet to plan, coordinate, or evaluate migrant programs. The chain of accountability cannot become credible unless the Parent Advisory Councils are made an important link.

Local administrators sometimes use the transiency of parents as an excuse to exclude them from advisory participation in programs: forming and training a PAC takes time, and it may not always be possible to prepare a council before the migrants move on to another community. This is not a legally acceptable position, as, by law, a majority of council members must be parents of children currently in a project or expected to be in a proposed project.[1] For high-turnover areas, however, parents may wish to consider choosing a minority of non-parent council members who can represent their interests on a continuous basis. Seasonal farmworkers who move in predictable patterns, or farmworker organizations that accurately reflect the thinking of migrant parents, can represent parents and children while lending continuity to the advisory process.

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[1] Exotech Systems Inc.

Active, creative, and innovative approaches in the recruitment of council members, particularly parents of migrant children, should be encouraged. Study after study has shown that migrant parents are concerned about their children's education, that they have aspirations for their children that include leaving the migrant stream and breaking out of the cycle of poverty through education. We believe that active and sensitively constructed outreach programs will find that parents welcome the chance to contribute to the quality of their children's education.

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[1] Public Law 93-380, Sec. 141(a)(14)(A).

CONCLUSION

It has been a full decade since the Congress of the United States formally recognized and tried to deal with the failures of our educational system with respect to the children of migrant farmworkers. The legislation—the migrant education amendments to Title I of the Elementary and Secondary Education Act—was carefully conceived and written. While its language is general, its intent, in most cases, could not be clearer.

The National Child Labor Committee hailed the legislation at the time, and we would do the same today. The problem is that the law is not being followed, that various arms of government have knowingly and unknowingly thwarted the legislative intent, and that the children who were to be the beneficiaries of the legislation are still being deprived of adequate educational opportunities.

The responsibility for this failure must rest on many shoulders: on the Congress for not seeing to it that its law is being followed; the Office of Education for not properly implementing the law and for not designing proper accountability procedures; the state and local education agencies for violating the spirit and, in many instances, the letter of the law.

Ideally the reporting of the facts in this book would be enough to effect change. But experience shows us that this will not happen; too many people, too many agencies, have a vested interest in maintaining the present situation. Therefore, the initial task of rectifying the situation, of seeing to it that a good piece of legislation is no longer subverted, must be performed by the source of the law itself—the Congress.

We believe that the Congress must, in the immediate future, hold hearings to a) verify the information we have reported, b) develop a plan for compliance with the law as written, and procedures to enforce such a plan, and c) amend the law, where necessary, to assure maximum service to migrant children.

The poverty, discrimination and lack of educational opportunity which impelled Congress to act—years ago—remain to a large extent unchanged today: not because the legislation did not work, but rather, we believe, because it has never had a chance to work. More than half a million migrant children remain the victims of a system which promised them hope.

There are promises to keep.

APPENDIX

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE I

Programs for Migratory Children

Sec. 122.(a)(1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination-

> (A) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;
>
> (B) that in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964;
>
> (C) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1) (B) and (3) through (12) of section 141(a) (see below); and
>
> (D) that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or or migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agri-

cultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

Sec. 141.(a) A local educational agency may receive a grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish).

(1) that payments under this title will be used for the excess costs of programs and projects (including the acquisition of equipment, payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this title, the training of teachers, and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities).

(B) which are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs and to this end involve an expenditure of not less than $2,500, except that the State educational agency may with respect to any applicant reduce the $2,500 requirement if it determines that it would be impossible, for reasons such as distance or difficulty of travel, for the applicant to join effectively with other local educational agencies for the purpose of meeting the requirement; and nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title: *Provided,* That the amount used for plans for any fiscal year shall not exceed 1 per centum of the amount determined for that agency for that year pursuant to section 103 or $2,000, whichever is greater;

(3) That (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title: *Provided,* That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July

1, 1972, and *Provided further,* That each local educational agency receiving funds under this title shall report on or before July 1, 1971, and on or before July 1 of each year thereafter with respect to its compliance with this clause;

(4) In the case of any project for construction of school facilities, that the project is not inconsistent with overall State plans for the construction of school facilities and that the requirements of section 433 of the General Education Provisions Act will be complied with on all such construction projects;

(5) In the case of an application for payments for planning, (A) that the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result in a program or project which will be carried out under this title, and (B) that planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

(6) That effective procedures, including provisions for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children;

(7) That the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information (which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives), as may be reasonably necessary to enable the State educational agency to perform its duties under this title, including information relating to the educational achievement of students participating in programs carried out under this title, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports;

(8) That the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;

(9) In the case of a project for the construction of school facilities, that, in developing plans for such facilities due consideration has been given to compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons;

(10) That effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects;

(11) In the case of a project for the construction of school facilities, that, in developing plans for such facilities, due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project);

(12) In the case of projects involving the use of education aides, the local educational agency sets forth well-developed plans providing for coordinated programs of training in which education aides and the professional staff whom they are assisting will participate together.

Sec. 144. If the sums appropriated for any fiscal year for making the payments provided in this title are not sufficient to pay in full the total amounts which all local and State educational agencies are entitled to receive under this title for such year, the amount available for each grant to a State agency eligible for a grant under section 121 (Programs for Handicapped Children), 122 (Programs for Migratory Children), or 123 (Programs for Neglected or Delinquent Children) shall be equal to the total amount of the grant as computed under each such section.

State of Arkansas
DEPARTMENT OF EDUCATION

DIVISION OF FEDERAL PROGRAMS
ARCH FORD EDUCATION BUILDING LITTLE ROCK ARKANSAS 72201

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October 21, 1977

Ms. Nancy Kaber
Subcommittee on Elementary, Secondary and
Vocational Education
B346C Rayburn House Office Building
Washington, D.C. 20515

Dear Ms. Kaber:

The Subcommittee on Elementary, Secondary and Vocational Education conducted, as you very well know, hearings on October 12 that were related to migrant education. At those hearings, I requested that the Record remain open in order to allow those presenting testimony to be able to respond to Promises To Keep that was made part of the Record by Mr. Jeffrey Newman.

Enclosed is my response relative to the inaccuracies in that book. These comments that I am asking become part of the Record only refer to MSRTS, the Migrant Student Record Transfer System. Other members who testified will be sending in comments relative to other inaccuracies in Promises To Keep.

I respectively request that you make my enclosed response a part of the Record.

Sincerely,

Winford Miller

Winford "Joe" Miller, Director
Migrant Student Record
Transfer System

cak

Enclosure

cc: Mr. Tom Jolly
Mr. Jeffrey Newman
Mr. Vidal A. Rivera, Jr.

REPLY TO PROMISES TO KEEP

Submitted by Winford "Joe" Miller, Director Migrant Student Record Transfer System, Arkansas Department of Education, October 20, 1977

Promises To Keep was published by the National Child Labor Committee, Mr. Jeffrey Newman, Director. In response to Promises To Keep by Meriam Guido, author and principle evaluator, it is filled with many false and erroneous statements which I would have to assume were not intentional but were done out of sheer ignorance and by an individual who does not know how the Migrant Student Record Transfer System works. Furthermore, in all pretense, the individual must not be an educator by any sense of the imagination.

The first statements which were incorrect appeared on page 20. The statement that data on a child is transmitted "through a local Teletype or by mail." This is incorrect because all information is transmitted solely by TTY terminals to the computer.

The next false statement is that schools add new information to a child's record "when the child leaves or completes a program." This was never a part of the design of the program and should never be a practice by the states. The policy and the way the System was designed is that whenever anything changes on a child's record or new information is to be added, it will be done immediately upon its occurrence.

The writer evidently does not understand the MSRTS when the statement is made "there are no standard instructions as to what data is to be fed into the system." There are standard instructions for every level of personnel to use for inputting data into the System. As far as standardized tests which are advocated statewide or nationwide are concerned, the writer evidently again does not understand the educational process by individual states nor does she understand the natiowide implication. The statement that "each new school must retest the child, using its own preferred evaluation" is erroneous. This is done since some tests are used as a pretest and others as a post-test in order to make an evaluation on the gains by the child. However, I would be the first to say that many of the tests presently being used do not meet and take into consideration cultural and ethnic backgrounds.

The next statement that the writer mentioned "the primary purpose of MSRTS is to avoid duplication of services" only refers to the tests being given. I wonder if the writer is not fully aware of the many duplications that have been stopped in the medical services and how the complete medical welfare of the child has improved. The medical record alone on the child has saved literally thousands of children from an early death and prevented many of the duplicated services of the past.

When the writer makes the statement, "For each child, several weeks in the next school or program may be spent repeating basic diagnostic procedures--a wasteful indulgence, destructive to the child, that could be prevented by an efficient, standardized, record-keeping system." Evidently, the writer is confusing curriculum and a record-keeping system. I hope she is not saying that we should not be doing basic diagnosis and prescriptive teaching on migrant children because that is exactly what the directors have been working on for two years. That is, to develop a skill based system in various subject areas in order to transmit skill level information. This has never been a part of the MSRTS system before.

On page 21, the writer states that "MSRTS records simply don't arrive." The only reason a record never arrives is because there was never a transaction initiated for that student or that school was not a part of the System.

The next statement the writer states was that "teachers and administrators have found that a delay of two to four weeks is considered 'acceptable'." This has never been an acceptable time frame. Ninety-five percent of all records mailed from the Central Depository in Little Rock arrive anywhere in this nation from two to three days after mailing. When a transaction is input by a terminal operator to the computer, a new record will be printed and mailed the next day to the school in which the child is enrolled.

"A 1975 federal audit of migrant summer programs in Delaware, Virginia, and Mayland labelled MSRTS 'virtually useless'." The audit which mentioned these states did not go ahead and mention the reasoning why "only 48% of the students' records" were received in those states. I believe that it would be incumbent on the writer to investigate the background of this audit and explain the reasoning of such a statement. We have evidence to show you that every transaction that was submitted on the children presently enrolled were received by the computer and mailed to the enrolling schools. This was done the next day immediately after receipt of their enrollment.

It was mentioned that in Lake Mills, Wisconsin in 1976, there was a seven-week summer program that "had received no records after three weeks of operation." If the writer had been a little more diligent, understood more, and asked the proper questions, she would have found out that Lake Mills, Wisconsin did in fact receive records based upon the transactions they had submitted for Prospect Street Elementary School which is located in Lake Mills. The summer school started on June 7, transactions were submitted on June 15, and records were mailed June 16 to the Prospect Street Elementary School for fifteen enrollments. On the 17th of June, twelve more students were enrolled by a transaction by the terminal operator and records were mailed on June 18 for these enrollments. Because of the privacy of which the writer mentioned, they would not have received records until the children were enrolled in that school.

The next statement which is very disturbing to me is that "if MSRTS is to accomplish its mission, it must provide information to all programs within a matter of days." Evidently the writer did not know that we provide information to all programs in a matter of one to two hours via critical data which enables the teacher and administrator to begin preparing the prescription for each individual child.

The article mentioned that "records themselves must be more accurate and comprehensive" as if to say that inaccurate information is put into a child's record. If this is in fact correct, then teachers themselves are placing inaccurate information into the record. This I find hard to believe. Evidently the writer does not know that parents, students, and teachers can see and check for inaccuracies on their records.

The writer mentioned that the records arrive "with no entries except the student's name and number." Evidently this particular writer did not understand migrancy or the recruiting program that is carried on by the states. Many times the child is recruited and moves immediately without having any further data to be put into the record.

I also noticed that this particular writer mentioned the "potential invasion of privacy of any student records" and that questions have been raised in this respect. It was also stated that most of these records are "more vulnerable to abuse of confidentiality than records stored for years in a single school." It is with great pride and dignity that I refute such asinine and bias statements. It is this group of children and their families that state directors are dedicated to serve and protect from any misuse of information. Parents have also been provided a copy of a child's record. This is encouraged because the System was designed for a copy to be given to the student/parents before he moves from one school to another or after his enrolling in another school. If there were some incorrect and incomplete information, they could then request it to be corrected. To this date, not a single parent has made such a request.

On page 40 and 41, the writer mentions the development of the MSRTS and refers to it as "a costly example of the pitfalls both in USOE's refusal to deal with non-SEA's and SEA casualness about fiscal responsibility." Also, relative to the statement made about the Department of Education as the prime contractor and the University of Arkansas Medical Center as the subcontractor and the net profit that was made by the Medical Center, I feel the writer should do much more research and read all the correspondence between the Arkansas Department of Education and the auditors. In doing more research, the writer would find that the only audit exception of any consequence was an overcharge of $8,089 by the subcontractor. This was done by the subcontractor for the rental of an optical character reader which did not pertain to the development or operation of MSRTS. This subcontractor withheld that amount ($8,089) from the very next monthly billing and fulfilled all audit questions. The writer did not read or print the remaining statement of fact from the auditor which showed the subcontractor had successfully shown the auditor that the scope of work had increased and that they had only a very small profit relative to the amount of work they did. In fact, the subcontractor would have gone into a hole had they charged off all the indebtedness that had occurred in the expansion of a new building.

I have only addressed those statements which directly pertain to the MSRTS. However, I did see many inaccuracies in the remaining text also.

If the writer wanted to quote some information, I would suggest that she look at reports other than the Exotech Report which was replied to and the writer taken to task by many educators. The Exotech Report was responded to by many people pointing up the many fallacies. There is one commonality that I see in this report and the Exotech Report--that is, both are incorrect and filled with many inaccuracies.

APPENDIX 5

ALBERT H. QUIE
1st District, Minnesota

Committees:
Education and Labor
Standards of Official Conduct

Washington Office:
[illegible] Rayburn House Office Building
202-225-2271

Congress of the United States
House of Representatives
Washington, D.C. 20515

Counties:
Dakota
Dodge
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Houston
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Rice
Steele
Wabasha
Washington
Winona

District Offices:
435 First National Bank Building
Rochester, Minnesota 55901
507-288-2384

120 Federal Building
Fort Snelling
St. Paul, Minnesota 55111
612-725-2880

October 18, 1977

Dr. Vidal Rivera, Jr.
Migrant Branch Chief
U.S. Office of Education
3642 Regional Office Building #3
7th and D Streets, S. W.
Washington, D. C. 20202

Dear Doctor Rivera:

I regret that I was unable to attend last week's hearing on the Title I Migrant Program. However, there are a number of questions which were apparently not addressed at that hearing which I would like to have answered and to have both questions and answers inserted in the hearing record for that day.

Attached are the questions. I would appreciate a prompt response to them.

With kind regards, I remain

Sincerely yours,

ALBERT H. QUIE
Member of Congress

AHQ:cma

Enclosure

cc: ✓ Honorable Carl D. Perkins, Chairman
Committee on Education and Labor

QUESTIONS FOR DR. RIVERA

1. Are there procedures to insure that the LEA does get funds from the SEA for its 5 year migrants? How is this monitored?

2. Are there any procedures to insure that once an LEA gets money for a 5 year migrant, the funds are spent on services to that child? How is this monitored?

3. What if a 5 year migrant enrolls in a non-target school? Is he or she still served?

4. Both the law and the interim regulations make a distinction between the children whom SEAs "must" serve--5 to 17 year olds--and the children whom they "may" serve--preschool and 0-4 year olds--among the migrant population. Since the program is fully funded, and there are many projects serving the discretionary preschool population, may we assume that the entire mandatory population is adequately served? If not, please explain the rationale for this discrepancy.

5. Several members of the panel spoke of the difficulties of serving older migrant students during the summer months when they are attached to work crews. May we assume that during the rest of the year this population does receive adequate services? If not, what are the reasons for this situation?

6. One member of the panel alluded to migrant students who may be in local schools for only a few days or weeks. Yet the Exotech evaluation study reported that 83 percent of the migrant student population in that survey had not attended more than two schools during the school year. Exotech offered several hypotheses to explain why this finding might be misleading. Obviously, if the finding were confirmed, it would have far reaching implications for the migrant education program. What specific steps has USOE taken to resolve this question?

7. Please submit for the record a chart showing how much money each state would get if the dollars going to 5 year migrant children were put into LEA grants. Also, please submit for the record a chart showing this distribution if the 5 year children were funded at pro rata reduction levels.

8. Please submit for the record your best estimates of the size of the migrant population ages 0-4 (which does not now generate funds) and the size of the 5 year "settled out" migrant student population.

9. Do you have records or estimates of the amount of money spent during the last program year on preschool and early childhood programs?

Response to letter not received in time for publication.

national
organization
for migrant
children,
inc.

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Cassandra Stockburger
Executive Director

COMMENTS
On
MIGRANT EDUCATION
as authorized under
THE ELEMENTARY AND SECONDARY EDUCATION ACT

Prepared for

House, Education and Labor Committee
U.S. Congress

October 12, 1977

By

Cassandra Stockburger, Executive Director

National Organization for Migrant Children, Inc.
310 East 42nd Street, New York, N.Y. 10017
212/228-6102

The National Organization for Migrant Children is a national non-governmental Organization concerned with the total welfare of the children of migrant agricultural workers. Its Board of Directors is composed of outstanding leaders in education, health, community and farm labor affairs. The Organization is just completing a study of community services for migrant children. Cassandra Stockburger, its Executive Director, is a nationally known advocate for migrant children and was for thirteen years the Director of the National Committee on the Education of Migrant Children. In that capacity, she directed the first study of ESEA migrant education programs, published as Wednesday's Children in 1971.

A migrant educator, in a state which has a major migrant child population, recently commented, " After ten years we still don't know anything about the migrant child." This honest statement offers encouragement that at least some migrant eductors are, after eleven years of ESEA programs, beginning to realize the complexity of the migrant child problem and perhaps to recognize some of the deficiences in current attempts to provide education for these children.

The migrant amendment to Title I of the Elementary and Secondary Education Act was hailed in 1966 as a major step forward in resolving the persistent problems in educating the children of migrant farm workers. It has resulted in an unprecedented involvement of the public schools with the migrant child. Visits to classrooms across the nation, such as we have made over the years, reveal migrant children enrolled in programs equal to those offered to non-migrant children. Some are receiving very special attention, even over and above that usually offered by the schools. Nevertheless, it has been most difficult to determine whether, over the long term, this kind of education is meeting the child's needs as he moves from place to place.

Criticism of ESEA migrant programs are numerous and well-documented, dating from Wednesday's Children in 1971, which cited poor educational methodology, lack of national goals and leadership, poor retention of children beyond the elementary grades, lack of evaluative data, and generally poor fiscal management. Subsequent audits and studies by HEW and others over the past seven years have indicated similar problem areas.[1]

Migrant educators have been unable to stem this tide of criticism because no data collecting processes or long-term studies were initiated in the early stages and subsequent evaluative procedures have been unreliable or non-existent. As a result there does not exist any body of data which can adequately evaluate the migrant education efforts under ESEA over the past eleven years.

From the beginning, the program was placed in the hands of technicians and consequently did not benefit from sound needs assessment or creative planning. Migrant children are still expected, for the most part, to receive their education within traditional frameworks of public school education despite their mobility and special needs.

But, even if every child enrolled in supplemental migrant education projects funded under the ESEA were receiving the services most appropriate to his needs, there would be just as many receiving no benefits. It seems clear that no more than 50% of the total eligible population are enrolled in ESEA project schools. In Texas it is reported that 40,000 of the estimated 105,000 eligible children receive no benefits. In Florida it is estimated that 50% of the districts where migrant children live do not elect to participate.

At the same time enrollment figures are found to be inflated by the enrollment of improperly or inadequately identified children who are ineligible for participation, thus increasing the state's bounty. And some states continue to hold unutilized funds from year to year, while others complain of inadequate funding.[2]

While technology might be expected to play an important role in keeping up with migrant children, efforts to date have been unfortunate. Millions of dollars have been squandered on the Migrant Student Record Transfer System without producing a workable and dependable design. It is to the credit of many sensitive and well-trained classroom teachers that they have rejected the repeated efforts of technicians and bureaucracts to impose the MSRTS as an educational tool by transmitting test and skills data of doubtful validity.

The MSRTS track record has been so poor and local hostility to its demands so strong that it is doubtful that it can ever receive the local cooperation required to provide reliable data of any kind. The use of the MSRTS as a source of predicting patterns of movement or as the basis for reliable enrollment figures did seem to be a possible justification for its use. However, this must also be questioned. The failure of local districts to properly certify eligibility or timely report enrollments appears to be a serious problem. Patterns of movement can likely be more reliably predicted and documented by crop and weather forcasts from year to year than by educators. In most communities arrival and departure times are quite reliably available from employers. So the continued use of a computer for such predictions may not be cost/effective in the absence of useful educational information.

To persist in attempt after attempt, as we have seen over the past five or six years, to transmit some commonly understood and acceptable test data or skills levels is questionable from an educational point of view. Teachers, adequately trained in evaluative techniques, simply do not need such information in order to teach.

The MSRTS operation still functions so poorly that in the summer of 1977, schools in Delaware had received no records at the beginning of the fifth week of a six week session. At the same time, Maryland had just begun to receive records which were reported as, once again, containing no new information than that last transmitted.

The migrant education amendment programs have, we belive, been seriously weakened by making it a "catchall" for meeting educational needs of a number of rural and urban poor groups. Before the program was adequately established as a provider of special services for the currently migrant child, it was being constantly expanded to include other population groups such as former migrants and fishermen. It should be seriously questioned whether former migrants have a sufficient commonality of need to justify joint programming. Although current migrant children are intended to receive priority treatment, it is seriously questioned whether this is indeed now the case.

The current definition of a migrant child is inadequate. Without any determination that education has been interrupted or that educational need exists, children are being certified as eligible for special services. For example:

1. A college graduate, who vacationed with his family in the Carribean, moved into another county to take a job as a foreman on a large farm and enrolled his child in an ESEA supported program.

2. A teacher who moves to the coast with his family in the summer to find work as a fisherman believes that his children are eligible for the migrant program under the present definition.

The present migrant education program is far from adequate, but it is an improvement over conditions which existed a decade ago. We must seriously question whether or not the migrant life style lends itself to a successful educational experience for the children, if they are expected to be educated in the conventional classroom and during the conventional school year. In the face of overwhelming evidence that the educational needs of many migrant children remain unmet we urge that changes be made in the operation of the programs and that alternative approaches to providing education be explored.

RECOMMENDATIONS

1. Eligibility for migrant education programs should be tied to some determination of educational deprivation or interruption caused by migrancy. (Some parents object to the notion that their children should attend school year around simply because they are migratory.)

2. Eligibility should be restricted to current agricultural migrant children, ages 4 - 17, inclusive. Migrancy should be defined as a temporary move or moves to work in seasonal jobs in agriculture, and should not include full-time farm work. Other categories of non-migrant educationally deprived should be provided for under Regular Title I or state and local programs.

3. Further expansion of the program to cover other age groups should not be permitted, ecept as four year old can be accomodated in existing pre-school programs and youth, older than seventeen, remain in school to complete their secondary education. Post-secondary and adult education should properly be placed in other programs. This position is based on the fact that:

a. the public schools have not yet demonstrated capability of handling the education of the currently authorized population and to add other age groups or populations with such distinct needs as ages 0-3 and/or adult education would seriously hamper the required reforms and expansion called for in order to educate elementary and secondary children.

b. the public schools have little experience in the care and education of the 0 - 3 population whose needs can be met best in settings especially designed for them. Unless a special formula were provided such infant care would greatly dilute the program for older children. Experience indicates that costs for such programs may be more than $50 for each child per week. The tooling up period for inclusion of young children in the public school would of necessity be a long one. The availability of such funds would discourage the development of other resources for migrant child care. And it is doubtful that many schools would elect to offer such services. Child care goes far beyond the normal responsibility of the public schools and requires flexibility and services not generally within the pattern or competence of public school education.

4. Comprehensive data collection and assessment procedures should be instituted at the national level which will provide basic data on the migrant child and his educational progress, as well as determine the cost/effectiveness of such programs as full-funded summer schools and the MSRTS.

5. A multi-disciplinary Research and Development project should be initiated at the national level to study effective models with other migrant populations, if there are any, and to develop a national strategy for dealing with the multiple needs of the migrant child.

6. "Supplemental" services should be so interpreted as not to rule out effective integration of migrant children into on-going school classrooms and services. (See HEW Audit, Arizona, 1976.)

7. The ESEA legislation should be amended to guarantee any eligible migrant child access to supplemental assistance. If state agencies cannot provide such aid through the child's local school, then there should be a provision to provide to such a child comparable services. The Commissioner's determination of "unable or unwilling" should be based on the child's own school's failure to provide services, not on the state's failure as a whole as is the case at present.

8. Provision should be made for educational alternatives to the public schools, especially during the summer months. Summer schools are costly, non-comprehensive in their care and of undetermined educational value in the long-term education of the child. Primary emphasis during the summer should be on the child's care and protection during whatever period of time the parent is working and unable to provide such care. Possible alternatives are the purchase of care from existing services such as day care centers, residential and day camps.

We would strongly recommend that authorization be given for certain kinds of carefully planned and monitored experimental approaches to care and education of migrant children. These may be apart from the public schools or may include them as a partner in the experiment. We believe comprehensive child development centers for children up to age twelve could be provided in high migrant impact areas. These would be able to combine present day care, health and education services and eliminate duplicate administration, staffing and transportation costs. Hours and dates of operation should be determined to provide maximum accomodation to the needs of the migrant family instead of being based on current patterns of school operations.

FOOTNOTES

1. Wednesday's Children, National Committee on the Education of Migrant Children, New York, N.Y., 1971.

   "Migrant Education", Inequality in Education, Center for Law and Education, Harvard University, Cambridge, Massachusetts, June 1976

   Impact of ESEA on the Education of Children of Migrant Agricultural Workers, an HEW authorized study, Exotech, 1974.

   Premises to Keep, National Child Labor Committe, New York, N.Y., 1977

   Migrant Child Welfare, InterAmerica Associates, Washington, D.C., 1977

2. Status Report on Community Services to Migrant Children, National Organization for Migrant Children, New York, N.Y., 1977, unpublished.

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

October 11, 1977

The Honorable Carl D. Perkins
U.S. House of Representatives
2365 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Perkins:

Thank you very much for the opportunity to submit testimony for your October 12 committee hearing on the Title I migrant education program.

The funds provided by Title I for migrant education have had a major impact on the improvement of educational opportunities for migrant children. Interstate coordination of services vastly improved instruction, the transfer record system, inservice education, and the increased awareness of the needs of migrant children are but a few examples of the positive effects of this program.

Prior to the inception of federal funds, Ohio schools were enrolling 1,200 migrant students annually. In FY 77, Ohio's migrant student enrollment exceeded 5,500 -- in spite of the decreased farm acreage and diminishing numbers of farm workers.

It is our judgment that the current legislation and regulations are working well and that no major changes are necessary. It is important for Congress to continue to stress as clearly as possible the need to further improve linkage among the various state programs. The ultimate priority for migrant children must be continuity of instruction and services that allow them to progress through school with an equal opportunity to graduate and to make the career choices that are available to all other students.

It is recognized that recommendations will be made to the committee to ratably reduce the migrant education program to fund it on an equal basis with the regular Title I program.

For the receiving states such as Ohio who serve the interstate child in the summer time, such a move would create an impossible situation for the schools. The net effect would be at a minimum, a 75% reduction in the program.

It must be remembered that a total school program is provided in the summer which includes not only instruction, but transportation, support services such as food, health, maintenance, the operation of the transfer record system, student recruitment, and inservice education. The ratably reduced amount per child for Title I will not support an interstate migrant education program. The interstate child needs and deserves full funding.

An alternative that the Committee may wish to consider would be full funding of the interstate child and regular Title I funding for the home-base child who does not move across the state lines. Such a change would protect the interstate child, the student for whom the legislation was primarily intended.

Thank you for your consideration of these recommendations.

Sincerely,

Franklin B. Walter

Franklin B. Walter
Superintendent of Public Instruction

FBW/sl